

Rena Andoh (admitted *pro hac vice*)
randoh@sheppardmullin.com.com
**SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP**
30 Rockefeller Plaza
New York, NY 10112
Telephone: (212) 653-8700
Facsimile: (212) 653-8701

Lai L. Yip (SBN 258029)
lyip@sheppardmullin.com
Four Embarcadero Center, 17th Floor
San Francisco, CA 94111
Telephone: (415) 434-9100
Facsimile: (415) 434-3947

Travis J. Anderson (SBN 265540)
tanderson@sheppardmullin.com
12275 El Camino Real, Suite 100
San Diego, CA 92130
Telephone: (858) 720-8900
Facsimile: (858) 509-3691

Kazim A. Naqvi (SBN 300438)
knaqvi@sheppardmullin.com
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067
Telephone: (310) 228-3700
Facsimile: (310) 228-3701

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MOOG INC.,

Plaintiff.

V.

SKYRYSE, INC., ROBERT ALIN
PILKINGTON, MISOOK KIM,
and DOES NOS. 1-50.

Defendants.

Case No. 2:22-cv-09094-GW-MAR
Hon. George H. Wu

**DECLARATION OF KEVIN
CROZIER IN SUPPORT OF
PLAINTIFF AND COUNTER-
DEFENDANT MOOG INC.'S
NOTICE OF MOTION AND
MOTION TO ENFORCE
COMPLIANCE WITH THE MARCH
11, 2022 STIPULATED TRO (DKT.
25), AND FOR MONETARY AND**

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ADVERSE INFERENCE
SANCTIONS FOR CONTEMPT
AND SPOILATION

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*[Filed concurrently with Notice of
Motion and Motion; Declaration of
Kazim Naqvi; Declaration of Bruce
Pixley; [Proposed] Order]*

7 Date: April 13, 2023
8 Time: 8:30 a.m.
9 Ctrm.: 9-D

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REDACTED VERSION OF
DOCUMENT PROPOSED TO BE
FILED UNDER SEAL

12 Complaint Filed: March 7, 2022
13 Counterclaims Filed: January 30, 2023

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DECLARATION OF KEVIN CROZIER

1. KEVIN CROZIER, under penalty of perjury and pursuant to 28 U.S.C. § 1746, declares the following to be true and correct:

I. BACKGROUND

5 2. My name is Kevin Crozier. I provide this declaration in support of
6 Moog Inc.’s (“Moog”) Motion to Enforce Compliance With the March 11, 2022
7 Stipulated TRO (Dkt. 25), and for Monetary and Adverse inference Sanctions for
8 Contempt and Spoliation. I am over the age of 18 years. I have personal
9 knowledge of the matters set forth herein and if called as a witness, I could and
10 would competently testify as to all facts set forth herein.

11 3. I have been retained by Sheppard, Mullin, Richter & Hampton LLP,
12 counsel for Moog Inc. (“Moog” or “Company”) to, among other things, analyze
13 and opine on defendant Skyryse, Inc.’s (“Skyryse”) flight control source code,
14 software, and other software related documents to determine to what extent
15 Skyryse has misappropriated, copied, or otherwise used Moog’s trade secrets.

16 4. I have a Bachelor of Science degree in Electrical Engineering with a
17 Minor in Computer Science from Rensselaer Polytechnic Institute and Master of
18 Science degree in Electronics Engineering from the University of Illinois. I am a
19 Federal Aviation Administration (FAA) consultant Designated Engineering
20 Representative (DER) for safety critical avionics software with more than two
21 decades of hands-on industry experience in software development. I have
22 specialized technical experience in embedded systems and software development,
23 compiler design and implementation, processor architecture, multi-core network
24 processors (NPUs), software simulation, and network security protocols.

25 5. From 1999-2000, I worked for Hewlett Packard (HP), developing
26 compiler technologies for 64-bit microprocessors using C++. At HP, I was granted
27 2 patents for floating-point code optimizations that I developed and implemented.

1 6. From 2000-2005, I worked for Teja Technologies, where I designed
2 and implemented a C-like language to express state machines used to program
3 multicore NPUs. I was the technical team leader for the Teja toolchain port to
4 AMCC NPU from requirement definition through implementation. I was also a
5 lead software architect on customer projects, with tasks that included defining
6 software architectures, creating IXP processor microcode, writing embedded C for
7 the VxWorks real-time operating system, analyzing performance, and performing
8 functional testing.

9 7. From 2005 to 2013, I worked from Cavium Networks (now Marvell)
10 as the lead customer applications architect for ARM-based networking, set-top
11 box, and wireless display system-on-chip (SOC) products, the OCTEON multicore
12 MIPS-based processor, the NITROX security co-processor, and the ECONA
13 multicore ARM-based processor. I architected numerous designs for strategic
14 customers, including integrated service routers, enterprise IPSec security
15 platforms, network service platforms, SSL load balancers, application load
16 balancers, storage networking modules, enterprise wireless access points,
17 enterprise wireless controllers, home router-gateways, home wireless access points,
18 satellite networking equipment, consumer NAS devices, and network test
19 equipment. I also developed device drivers and embedded networking applications
20 in C, C++, and assembly for platforms based on Linux v2.6 as well as bare metal
21 MIPS, and u-boot.

22 8. From 2013 to 2016, I worked for BendixKing by Honeywell as the
23 director of software engineering and chief software architect on a suite of next-
24 generation avionics and flight displays for general aviation aircraft. I co-led a
25 successful hardware and software prototype effort to prove software and hardware
26 platform feasibility for GPS/FMS product and communication radio product. I
27 developed a streamlined system and software development process based on Agile
28 methodologies to optimize the efficiency of a small co-located development team

1 for a fully integrated and modular primary and multi-function flight display. I
2 helped define the system requirements and software architecture and led software
3 design, development, and review in C, C++, and assembly. I successfully
4 developed, implemented, and refined a DO-178C software process and
5 infrastructure from the ground up, including requirements capture and review, code
6 development and testing, and quality assurance.

7 9. Since 2016, I have worked as an FAA consultant DER ensuring that
8 engineering data for aircraft software systems compile with the FAA's
9 airworthiness standards. My FAA designation allows me to approve software
10 engineering data on small and large airplanes (parts 23 and 25) and helicopters
11 (parts 27 and 29) up to the highest level of safety critically (DAL A).

12 10. I am also a commercial pilot and certified flight instructor with over
13 2900 hours of total flight time and over 700 hours of dual instruction given.

14 **II. EXECUTIVE SUMMARY OF OPINIONS AND FINDINGS**

15 11. Data produced by third party Hummingbird Aero, LLC
16 ("Hummingbird") in January 2023 contains substantial evidence that Skyryse
17 personnel (using Skyryse e-mail accounts and devices) were possessing, disclosing
18 to third parties, accessing, and using Moog non-public information. This
19 information includes Moog software process documents and checklists.

20 12. Data produced by third party Rex Hyde in February 2023 contains
21 substantial evidence that Skyryse personnel (using Skyryse e-mail accounts and
22 devices) were possessing, disclosing to third parties, accessing, and using Moog
23 non-public information. This information includes Moog software process
24 documents and checklists.

25 13. Data produced by former Moog employee and current or former
26 Skyryse personnel Lori Bird in November and December 2022 contains substantial
27 evidence that Skyryse personnel were possessing, accessing, and using Moog non-

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1 public information. This information includes Moog software process documents
2 and checklists.

3 14. Data produced by Skyryse on behalf of Lori Bird in February 2023
4 contains substantial evidence that Skyryse personnel were possessing, disclosing to
5 third parties, accessing, and using Moog non-public information. This information
6 includes Moog software process documents and checklists.

7 15. Substantial evidence in the above-referenced data productions shows
8 that Skyryse personnel continued to use Moog non-public information after March
9 11, 2022. This data includes the use of Moog's non-public information within
10 Skyryse's SDTE test software, sRTOS operating system, and software process
11 documents.

12 16. In January 2022, evidence indicates Skyryse personnel copied data to
13 a Google drive location and shared that data with Skyryse and other third parties,
14 including Hummingbird. This Google Drive has never been made available for
15 investigation and needs to be produced to determine to what extent it contains
16 Moog non-public information.

17 17. To date, the Moog investigation team (including myself) has had
18 limited access to the Skyryse Git source code repository and no access to the
19 Skyryse Polarion document repository. Complete access to the Skyryse Polarion
20 and Git repositories is needed to determine to what extent Skyryse personnel are
21 continuing to access and use Moog non-public information.

22 18. The Moog investigation team (including myself) has had no access to
23 a Mac Laptop which evidence indicates former Skyryse employee and defendant
24 Misook Kim was using for the purposes of software testing using SDTE. Access
25 to this laptop is required to determine the extent to which Skyryse personnel
26 (including Kim) had access to and was using Moog non-public information.

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III. DETAILS OF ANALYSIS AND FINDINGS

A. Evidence of Moog Non-Public Information in Hummingbird's Production (1/18/2023)

19. In January 2023, Hummingbird Aero produced 120 documents in response to Moog's subpoena for documents. Having reviewed the entire production, my assessment is that the production contains substantial evidence of Skyryse personnel (using Skyryse e-mail accounts and devices) possessing, disclosing to third parties, accessing, and using Moog non-public information.

20. For example, in HB0000700, an email sent on 11/18/2021, Skyryse personnel Lori Bird (using her lori.bird@skyryse.com e-mail account) sends

Hummingbird personnel Rex Hyde and Jonathan Lynch an email that states, [REDACTED]

[REDACTED] Attached to this email are 3 Word documents and 13 Excel spreadsheets (HB0000660 – HB0000699). I have reviewed these documents, and they are visually identical to the corresponding Moog DPA checklist document, including as shown as follows.

Hummingbird Production Number	Evidence of Moog Non-Public Information
HB0000660	Visually identical to [REDACTED] (MOOG0030624)
HB0000661	Visually identical to [REDACTED] (MOOG0030625)
HB0000662	Visually identical to [REDACTED] (MOOG0030626)
HB0000663	Visually identical to [REDACTED] (MOOG0030628)
HB0000664	[REDACTED]
HB0000665	Visually identical to [REDACTED] (MOOG0030627)
HB0000666	Visually identical to [REDACTED] (MOOG0030628)
HB0000667	Visually identical to [REDACTED]

1		(MOOG0030629)
2	HB0000668	Visually identical to [REDACTED] (MOOG0030619)
3	HB0000669	Document is [REDACTED] – Contains MOOG Aircraft Group on title page. Section 2.2 references to [REDACTED] [REDACTED] which are all Moog non-public documents. Section 4.1 references has various references to “Moog”. (See sections 2.2 and 4.1 of MOOG0030782)
4	HB0000683	[REDACTED] – Modified version of HB0000683 with title page removed, references to Moog removed and Moog logo removed. Section 2 still retains references to [REDACTED] [REDACTED] which are all Moog non-public documents. (See section 2.2 of MOOG0030782)
5	HB0000695	Visually identical to [REDACTED] (MOOG0030618)
6	HB0000696	Visually identical to [REDACTED] (MOOG0030622)
7	HB0000697	Visually identical to [REDACTED] (MOOG0030621)
8	HB0000698	Visually identical to [REDACTED] (MOOG0030620)
9	HB0000699	Visually identical to [REDACTED] (MOOG0030623)
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19 21. A true and correct copy of HB0000700, designated by Moog under
20 the Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’
21 EYES ONLY,” is attached hereto as Exhibit “A-1.” True and correct copies of the
22 16 documents comprising HB0000660-699, designated by Moog under the
23 Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’
24 EYES ONLY,” are attached hereto as Exhibit “A-2.” True and correct copies of
25 the 13 documents comprising the corresponding Moog DPA Checklists,
26 MOOG0030618-629 and MOOG0030782, designated by Moog under the
27 Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’
28 EYES ONLY,” are attached hereto as Exhibit “A-3.”

1 22. As another example, in HB0000659, an email sent on 11/22/2021,
2 Skyryse personnel Lori Bird (using her lori.bird@skyryse.com e-mail account)
3 sends Hummingbird personnel Rex Hyde and Jonathan Lynch an email that states,
4 [REDACTED] Attached this
5 email are 20 Excel spreadsheets (HB0000639 – HB0000658). I have reviewed
6 these documents and they are visually identical to the corresponding Moog DPA
7 checklist documents, including as shown as follows.

Hummingbird Production Number	Evidence of Moog Non-Public Information
HB0000639	Visually identical to [REDACTED] (MOOG0030633)
HB0000640	Visually identical to [REDACTED] (MOOG0030634)
HB0000641	Visually identical to [REDACTED] x (MOOG0030632)
HB0000642	Visually identical to [REDACTED] (MOOG0030631)
HB0000643	Visually identical to [REDACTED] (MOOG0030630)
HB0000644	Visually identical to [REDACTED] (MOOG0030603)
HB0000645	Visually identical to [REDACTED] (MOOG0030604)
HB0000646	Visually identical to [REDACTED] (MOOG0030605)
HB0000647	Visually identical to [REDACTED] (MOOG0030607)
HB0000648	Visually identical to [REDACTED] (MOOG0030606)
HB0000649	Visually identical to [REDACTED] (MOOG0030609)
HB0000650	Visually identical to [REDACTED] (MOOG0030608)
HB0000651	Visually identical to [REDACTED] (MOOG0030612)
HB0000652	Visually identical to [REDACTED] (MOOG0030610)

1	HB0000653	Visually identical to [REDACTED] (MOOG3030611)
2	HB0000654	Visually identical to [REDACTED] (MOOG0030615)
3	HB0000655	Visually identical to [REDACTED] (MOOG0030614)
4	HB0000656	Visually identical to [REDACTED] (MOOG0030617)
5	HB0000657	Visually identical to [REDACTED] (MOOG0030613)
6	HB0000658	Visually identical to [REDACTED] (MOOG0030616)

10 23. A true and correct copy of HB0000659, designated by Moog under
11 the Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’
12 EYES ONLY,” is attached hereto as Exhibit “A-4.” True and correct copies of the
13 20 documents comprising HB0000639-658, designated by Moog under the
14 Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’
15 EYES ONLY,” are attached hereto as Exhibit “A-5.” True and correct copies of
16 the 20 documents comprising the corresponding Moog DPA Checklists,
17 MOOG0030603-617 and MOOG0030630-634, designated by Moog under the
18 Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’
19 EYES ONLY,” are attached hereto as Exhibit “A-6.”

20 24. Lori Bird frequently communicated with other Skyryse personnel and
21 Hummingbird personnel about possessing, transferring, and using Moog non-
22 public information at Skyryse. For example, in HB0000629, an email sent on
23 12/17/2021, Skyryse personnel Lori Bird (using her lori.bird@skyryse.com e-mail
24 address) asks Hummingbird personnel Rex Hyde from Hummingbird: [REDACTED]
25 [REDACTED] A
26 true and correct copy of HB0000629, designated by Moog under the Protective
27 Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY,”
28 is attached hereto as Exhibit “A-7.”

1 25. Again on 12/17/2021, Lori Bird (using her lori.bird@skyryse.com e-
2 mail address) also sends former Skyryse employee Alin Pilkington an email that
3 states, [REDACTED]
4 [REDACTED]
5 (BIRD_SR_00000420). The documents that Lori Bird is requesting provide
6 detailed instructions on how to use JIRA and SVN in the Moog configuration
7 management system. JIRA is a web-based problem reporting and tracking tool.
8 Subversion (SVN) is a free/open-source version control system (VCS). A VCS
9 manages files and directories, and the changes made to them, over time. This
10 allows users to recover older versions of data or examine the history of how data
11 changed. In this regard, many people think of a version control system as a sort of
12 “time machine.” JIRA and SVN are used at Moog as two of the primary tools of
13 their configuration management system. Based on these emails and the Skyryse
14 Software Configuration Management Plan (SCMP), Skyryse is using Git and JIRA
15 as part of their configuration management system. Git is a free and open-source
16 distributed version control system alternative to Subversion. A true and correct
17 copy of BIRD_SR_00000420, designated by Skyryse under the Protective Order
18 (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” is
19 attached hereto as Exhibit “A-8.”

20 26. Additional emails are sent on 12/19/2021 by Lori Bird (using her
21 lori.bird@skyryse.com e-mail address) to Hummingbird personnel Rex Hyde and
22 former Skyryse employee Alin Pilkington, continuing to ask for these Moog
23 documents. Alin Pilkington responds with “Text me in an hour when I’m home
24 and I’ll find something.” (BIRD_SR_00000433, BIRD_SR_00000434). True and
25 correct copies of BIRD_SR_00000433-434, designated by Skyryse under the
26 Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’
27 EYES ONLY,” are attached hereto as Exhibit “A-9.”

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1 27. The Moog documents referenced in the December 19, 2021
2 correspondence between Lori Bird, Rex Hyde, and Alin Pilkington are ultimately
3 sent to Lori Bird's Skyryse email as attachments by Rex Hyde from his
4 Hummingbird email on 12/19/21 (BIRD_SR_00000745); [REDACTED]
5 [REDACTED] (BIRD_SR_00001322); and [REDACTED]
6 [REDACTED]
7 (BIRD_SR_00001268). The title pages on both BIRD_SR_00001322 and
8 BIRD_SR_00001268 have a legend that states "MOOG PROPRIETARY AND
9 CONFIDENTIAL INFORMATION This technical Data/Drawing/Document
10 contains information that is proprietary to, and is the express property of Moog
11 Inc., or Moog Inc. subsidiaries except as expressly granted by contract or by
12 operation of law and is restricted to use by only Moog employees and other
13 persons authorized in writing by Moog or as expressly granted by contract or by
14 operation of law. No portion of this Data/Drawing/Document shall be reproduced
15 or disclosed or copied or furnished in whole or in part to others or used by others
16 for any purpose whatsoever except as specifically authorized in writing of Moog
17 Inc. or Moog Inc. subsidiary".
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Production Number	Evidence of Moog Non-Public Information
BIRD_SR_00001268	Contains Moog proprietary title page legend
BIRD_SR_00001322	Contains Moog proprietary title page legend

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24 True and correct copies of BIRD_SR_00001322 and 1268, designated by Skyryse
25 under the Protective Order (Dkt. 89) as "HIGHLY CONFIDENTIAL —
26 ATTORNEYS' EYES ONLY," are attached hereto as Exhibit "A-10."

27 28. In HB0000406, an email sent on 3/11/2022, Skyryse personnel Lori
28 Bird (using her lori.bird@skyryse.com e-mail account) sends Hummingbird

1 personnel Matt Neffinger an email with the subject [REDACTED]
2 [REDACTED] and attaches 9 Word documents (HB0000390, 366, 333, 287, 271, 245,
3 203, 201, 197). These Word documents comprise the Skyryse software plans and
4 standards for the Skyryse Flight OS. Three of these documents will be discussed
5 in detail later in this document, as portions of them are derived from corresponding
6 Moog documents and templates.

Production Number	Evidence of Moog Non-Public Information
HB0000366	[REDACTED] – See paragraphs 70-79 below.
HB0000333	[REDACTED] – See paragraphs 80-93 below.
HB0000271	[REDACTED] – See paragraphs 64-70 below.

13 29. A true and correct copy of HB0000406, designated by Moog under
14 the Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’
15 EYES ONLY,” is attached hereto as Exhibit “A-11.” True and correct copies of the
16 3 documents comprising HB0000366, 333, 271, designated by Moog under the
17 Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’
18 EYES ONLY,” are attached hereto as Exhibit “A-12.”

19 **B. Evidence of Misappropriation in Rex Hyde Production (2/6/2023)**

20 30. In February 2023, third party Rex Hyde produced 162 documents in
21 response to Moog’s subpoena for documents. Having reviewed the entire
22 production, my assessment is that the production contains substantial evidence of
23 Skyryse personnel (using Skyryse e-mail accounts and devices) possessing,
24 disclosing to third parties, accessing, and using Moog non-public information.

25 31. For example, in HYDE0001789, Skyryse personnel Lori Bird (using
26 her lori.bird@skyryse.com e-mail account) sends an email on February 1, 2022, to
27 Skyryse and Hummingbird personnel requesting comments on [REDACTED]
28 [REDACTED]. Two of the attached software checklists are Moog checklist

1 templates. (HYDE0001768, 1769) with “MOOG Salt Lake Operations” in the
2 Company metadata.

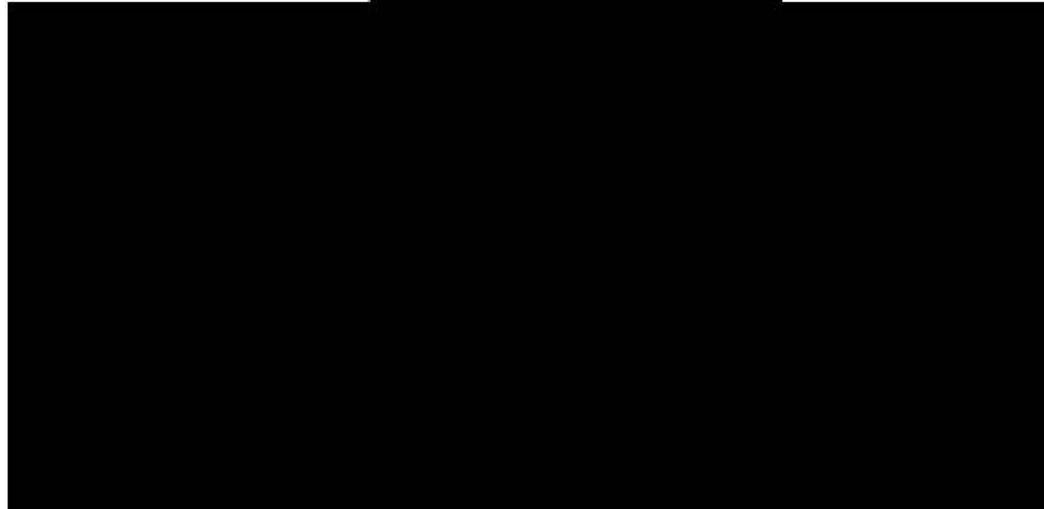
4 Production Number	5 Evidence of Moog Non-Public Information
6 HYDE0001768	7 Contains “MOOG Salt Lake Operations” in Company 8 metadata.
9 HYDE0001769	10 Contains “MOOG Salt Lake Operations” in Company 11 metadata

12 32. A true and correct copy of HYDE0001789, designated by Moog under
13 the Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’
14 EYES ONLY,” is attached hereto as Exhibit “B-1.” True and correct copies of the
15 2 documents comprising HYDE0001768, 1769, designated by Moog under the
16 Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’
17 EYES ONLY,” are attached hereto as Exhibit “B-2.”

18 33. As another example, in HYDE0001545, an email sent on 2/9/2021,
19 Skyryse personnel Lori Bird (using her lori.bird@skyryse.com e-mail account) and
20 Hummingbird personnel Rex Hyde have an exchange in which Lori Bird asks Rex
21 Hyde to create a chart for the software part numbers ([REDACTED] for the Skyryse
22 Flight Control Computer (FCC). Rex Hyde replies that he can do that and requests
23 an example. Lori Bird asks if Rex has a previous copy of a Moog PSAC that he
24 could look at. Rex replies, [REDACTED]

25 [REDACTED] The corresponding image referenced in Rex Hyde’s e-mail,
26 <image002.png>, was not included in the document produced by Hyde. The
27 intended figure below is from the Moog [REDACTED] (MOOG0030721)
28 showing the software part structure:

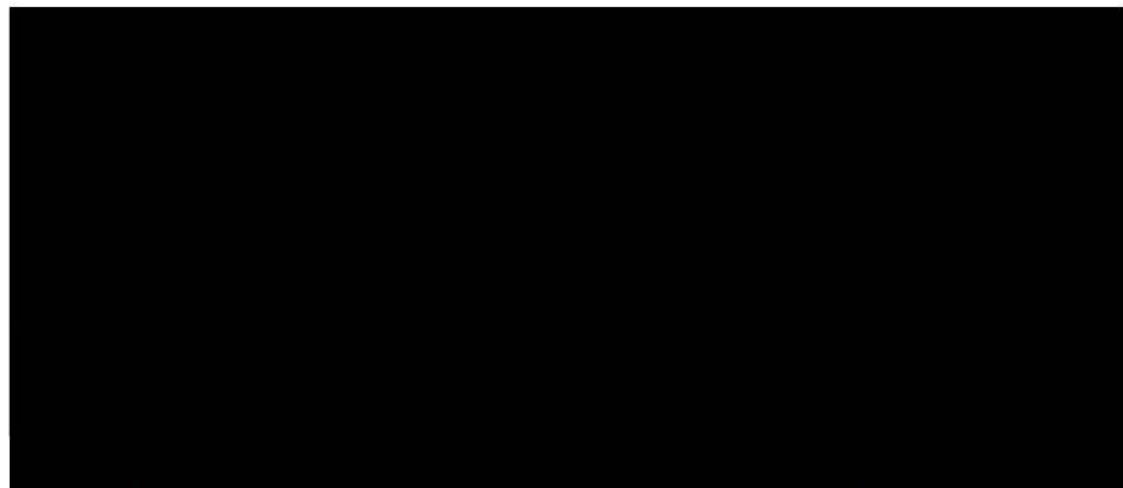
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34. The figure shown below is from the Skyryse PSAC Draft 13
document (BIRD_SR_00011016) which was updated by Lori Bird:

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35. These figures are nearly identical in structure and form with Skyryse
version reflecting the necessary changes for their specific part numbering scheme.

Production Number	Evidence of Moog Non-Public Information
BIRD_SR_00011016	Contains figure derived from Moog [REDACTED] MOOG0030721

36. A true and correct copy of HYDE00001545, designated by Moog under the Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” is attached hereto as Exhibit “B-3.” A true and correct copy of BIRD_SR_00011016, designated by Skyryse under the Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” is attached hereto as Exhibit “B-4.” True and correct copies of the PSAC documents MOOG0030721, designated by Moog under the Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” are attached hereto as Exhibit “B-5.”

37. Finally, in HYDE0000532, on 6/8/2022, Skyryse personnel Lori Bird (using her lori.bird@skyryse.com e-mail account) sends an email to Hummingbird personnel indicating that she has asked David Nguyen (Skyryse’s Designated Engineering Representative (DER)) to schedule their SOI 1 audit (an activity in which the certification authority reviews the applicants software planning documents) on 6/23/22. Attached to this email are 5 Word files which comprise most of the Skyryse software planning documents (HYDE0000509, 466, 405, 378, 268). For this audit to occur, Skyryse must baseline and formalize their software process using these documents. Three of the documents attached to this email are based on the Moog templates (HYDE0000509, 466, 268). These documents will be discussed in detail later in this declaration.

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Production Number	Evidence of Moog Non-Public Information
HB0000509	[REDACTED] – See paragraphs 70-79 below.
HB0000466	[REDACTED] – See paragraphs 80-93 below.
HB0000268	[REDACTED] – See paragraphs 58-63 below.

38. A true and correct copy of HYDE0000532, designated by Moog under the Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” is attached hereto as Exhibit “B-6.” True and correct copies of the 5 documents comprising HYDE000509, 466, 268, designated by Moog under the Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” are attached hereto as Exhibit “B-7.”

15 **C. Evidence of Misappropriation in Lori Bird’s Production**
16 **(11/17/2022, 12/06/2022)**

17 39. In November 2022, Lori Bird produced 80 documents in response to
18 Moog’s subpoena for documents. Having reviewed the entire production, my
19 assessment is that the production contains substantial evidence of Skyryse
20 personnel Lori Bird and Alin Pilkington possessing, disclosing to third parties,
21 accessing, and using Moog non-public information.

22 40. The first portion of the 11/17/2022 production from Lori Bird consists
23 of 38 Excel files which are Moog software process checklists. Based on the
24 information contained in BIRD0000001, these documents were attached to an
25 email (BIRD_SR_00000536) sent from former Skyryse personnel Alin Pilkington
26 (using his alinp@mac.com) to Skyryse personnel Lori Bird (using her
27 redpenturbo@gmail.com) sent on December 18, 2021 at 8:33pm. Most of these
28 documents contain Moog in the company metadata and/or text of the documents,

1 including as shown in the chart below. A true and correct copy of BIRD0000001,
2 designated by Moog under the Protective Order (Dkt. 89) as "HIGHLY
3 CONFIDENTIAL—ATTORNEYS' EYES ONLY," is attached hereto as Exhibit
4 "C-1."

Production Number	Evidence of Moog Non-Public Information
BIRD0000089	[REDACTED] – MOOG in Company metadata.
BIRD0000090	[REDACTED] – MOOG in Company metadata.
BIRD0000091	[REDACTED] x – MOOG in Company metadata.
BIRD0000097	[REDACTED] x – MOOG in Company metadata.
BIRD0000098	[REDACTED] x – MOOG in Company metadata.
BIRD0000099	[REDACTED] – MOOG in Company metadata.
BIRD0000100	[REDACTED] – MOOG in Company metadata.
BIRD0000101	[REDACTED] – MOOG in Company metadata.
BIRD0000102	[REDACTED] – Moog Inc. in Company metadata.
BIRD0000103	[REDACTED] – MOOG in Company metadata.
BIRD0000106	[REDACTED] – MOOG Salt Lake Operations in Company metadata.
BIRD0000107	[REDACTED] – Moog Inc. in Company metadata.
BIRD0000108	[REDACTED] – Moog Inc. in Company metadata.
BIRD0000109	[REDACTED] – Moog Inc in Company metadata.
BIRD0000111	[REDACTED] – MOOG Salt Lake Operations in Company metadata.
BIRD0000112	[REDACTED] – MOOG Salt Lake Operations in Company metadata.
BIRD0000113	[REDACTED] – Moog Inc. in Company metadata.
BIRD0000114	[REDACTED] – Moog Inc. in Company metadata.
BIRD0000115	[REDACTED] – Moog Inc. in Company metadata.
BIRD0000116	[REDACTED] – Moog Inc. in Company metadata.
BIRD0000118	[REDACTED] – Moog Inc. in Company metadata.
BIRD0000119	[REDACTED] – Moog Inc. in Company metadata.
BIRD0000120	[REDACTED] – Moog Inc. in Company metadata.
BIRD0000124	[REDACTED] – MOOG Salt Lake Operations in Company metadata.
BIRD0000125	[REDACTED] – MOOG Salt Lake Operations in Company metadata.

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1	BIRD0000126	[REDACTED]	- Moog Inc. in Company
2		metadata	

3 41. True and correct copies of the 26 documents comprising
4 BIRD0000089-91, 97-103, 106-109, 111-120, 124-126, designated by Moog under
5 the Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’
6 EYES ONLY,” are attached hereto as Exhibit “C-2.”

7 42. The second portion of the 11/17/2022 production consists of 37 Excel
8 files and 1 Word file which are Moog software DPA checklists. All documents
9 contain Moog in the company metadata and/or text of the documents, including as
10 shown in the chart below. Included also are 2 Word documents which are Moog
11 software planning documents. BIRD0000020 is Moog document [REDACTED]
12 identified as [REDACTED] [REDACTED] and BIRD0000008 is Moog document [REDACTED] identified
13 as [REDACTED] [REDACTED].
14 Based on the information contained in BIRD0000001, these documents were
15 attached to an email (BIRD_SR_00000466) sent from former Skyryse personnel
16 Alin Pilkington (using his alinp@mac.com) to Skyryse personnel Lori Bird (using
17 her redpenturbo@gmail.com) sent on December 18, 2021 at 7:46pm. A true and
18 correct copy of BIRD_SR_00000466, designated by Moog under the Protective
19 Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY,”
20 is attached hereto as Exhibit “C-3.”

Production Number	Evidence of Moog Non-Public Information
BIRD0000008	Moog proprietary title page legend; Moog Inc., SLC in Company Metadata
BIRD0000020	Moog proprietary title page legend
BIRD0000051	[REDACTED] – Moog Inc. in Company metadata
BIRD0000052	[REDACTED] – MOOG in Company metadata
BIRD0000053	[REDACTED] – Moog Inc. in Company metadata
BIRD0000054	[REDACTED] – Moog Inc. in Company metadata
BIRD0000055	[REDACTED] – Moog Inc. in Company metadata

1	BIRD0000056	[REDACTED] – Moog Inc. in Company
2		metadata
3	BIRD0000057	[REDACTED] – Moog Inc. in Company metadata
4	BIRD0000058	[REDACTED] – Moog Inc. in Company metadata
5	BIRD0000059	[REDACTED] – Moog Inc. in Company metadata
6	BIRD0000060	[REDACTED] – Moog Inc. in Company metadata
7	BIRD0000061	[REDACTED] – Moog Inc. in Company metadata
8	BIRD0000062	[REDACTED] – Moog Inc. in Company
9		metadata
10	BIRD0000063	[REDACTED] – Moog Inc. in Company
11		metadata
12	BIRD0000064	[REDACTED] – Moog Aircraft, Salt Lake
13		Operations in Company metadata
14	BIRD0000065	[REDACTED] – Moog Inc. in Company metadata
15	BIRD0000066	[REDACTED] – Moog Inc. in Company metadata
16	BIRD0000067	[REDACTED] – Moog Aircraft, Salt Lake
17		Operations in Company metadata
18	BIRD0000068	[REDACTED] – Moog Inc. in Company metadata x
19	BIRD0000069	[REDACTED] – Moog Inc. in Company metadata
20	BIRD0000070	[REDACTED] – Moog Inc. in Company metadata
21	BIRD0000071	x [REDACTED] – Moog Aircraft, Salt Lake
22		Operations in Company metadata
23	BIRD0000072	[REDACTED] – Moog Inc. in Company
24		metadata
25	BIRD0000073	[REDACTED] – Moog Aircraft, Salt Lake
26		Operations in Company metadata
27	BIRD0000074	[REDACTED] – Moog Aircraft, Salt Lake
28		Operations in Company metadata
	BIRD0000075	[REDACTED] – Moog Inc. in Company metadata
	BIRD0000076	[REDACTED] – Moog Inc. in Company
		metadata
	BIRD0000077	[REDACTED] – Moog Inc. in Company
		metadata
	BIRD0000078	[REDACTED] – Moog Inc. in Company
		metadata
	BIRD0000079	[REDACTED] – Moog Inc. in Company
		metadata
	BIRD0000080	[REDACTED] – Moog Inc. in Company
		metadata
	BIRD0000081	[REDACTED] – Moog Inc. in Company metadata

1	BIRD0000082	[REDACTED] – Moog Inc. in Company metadata
2	BIRD0000083	[REDACTED] – Moog Inc. in Company metadata
3	BIRD0000084	[REDACTED] – Moog Inc. in Company metadata
4	BIRD0000085	[REDACTED] – Moog Inc. in Company metadata
5	BIRD0000086	[REDACTED] – Moog Inc. in Company metadata
6	BIRD0000087	[REDACTED] – Moog Inc. in Company metadata
7	BIRD0000088	[REDACTED] – Moog Inc. in Company metadata

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9 43. True and correct copies of the 2 documents comprising
10 BIRD0000020, BIRD000008, designated by Moog under the Protective Order
11 (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” are
12 attached hereto as Exhibit “C-4.”

13 44. True and correct copies of the 37 documents comprising
14 BIRD0000051-BIRD000088, designated by Moog under the Protective Order
15 (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” are
16 attached hereto as Exhibit “C-5.”
17

18 45. On 12/06/2022 Lori Bird provided an additional production which
19 consists of two Moog documents: [REDACTED]
20 [REDACTED]
21 [REDACTED] (BIRD0000182, BIRD0000128). These documents
22 were sent by Rex Hyde to Lori Bird as described in paragraph 27 and are Moog
23 documents with explicit Moog proprietary legends. In paragraph 48 below it is
24 shown that the Moog JIRA document was the basis the Skyryse JIRA document.
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Production Number	Evidence of Moog Non-Public Information
BIRD0000182	Moog proprietary title page legend
BIRD0000128	Moog proprietary title page legend

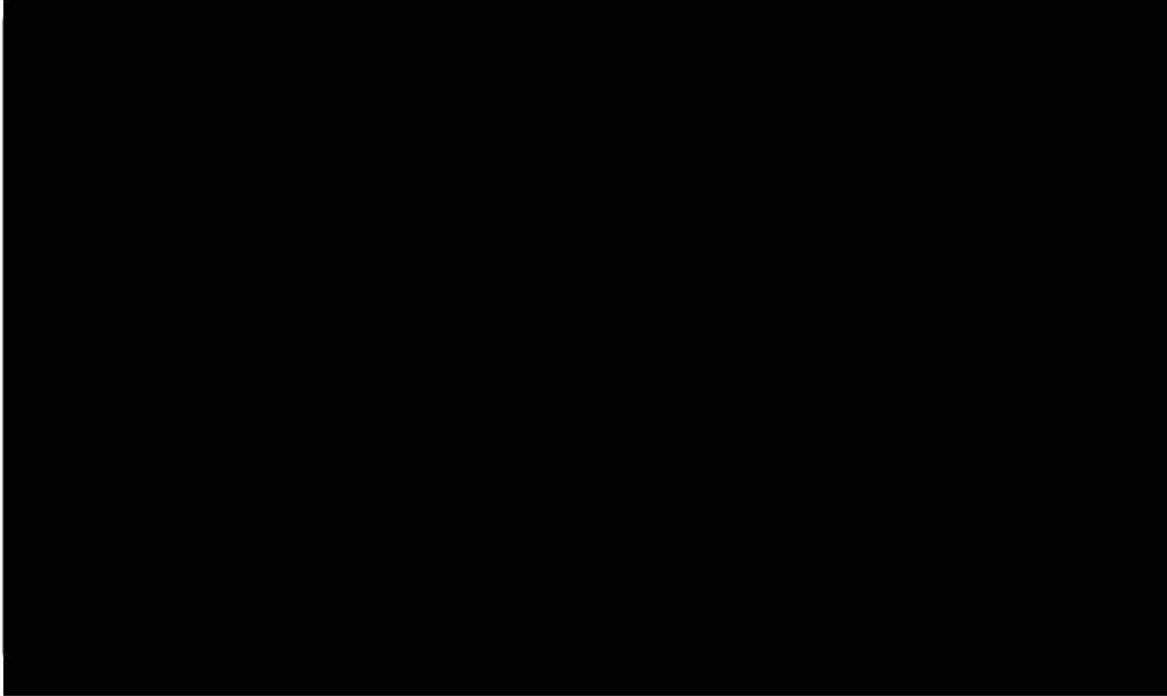
46. True and correct copies of the 2 documents comprising BIRD0000182, BIRD0000128, designated by Moog under the Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” are attached hereto as Exhibit “C-6.”

10 **D. Evidence of Misappropriation in Skyryse’s Production (2/17/2023)**

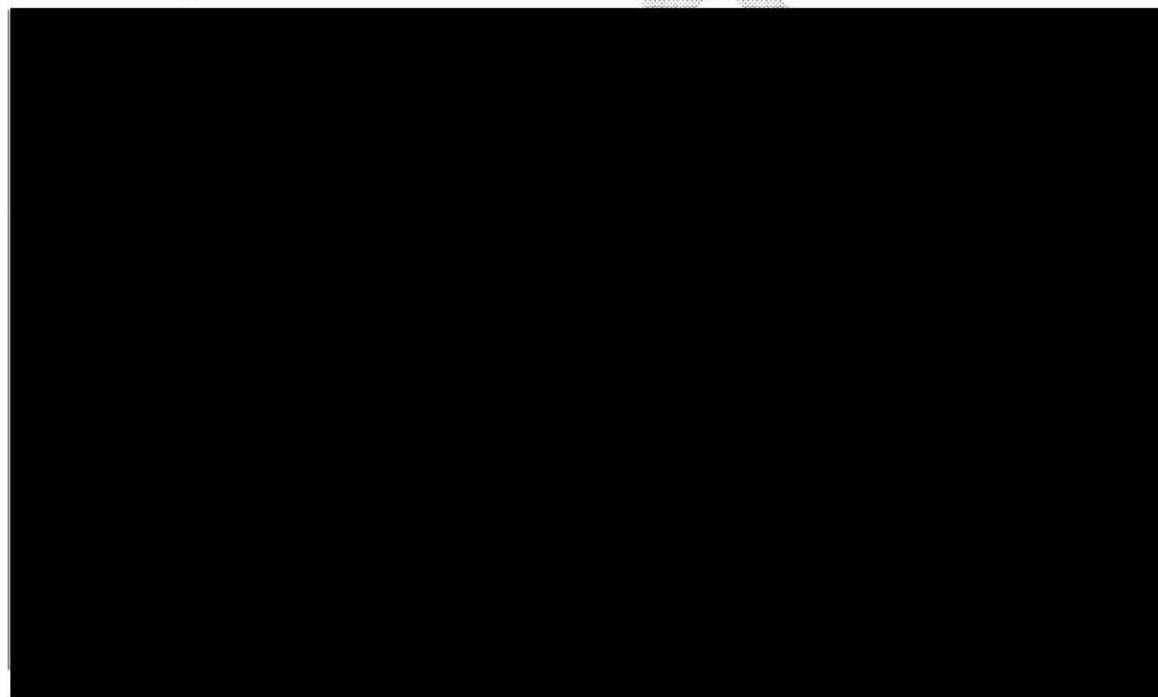
11 47. On 2/17/2023, Skyryse produced 2,920 documents (totaling 24,821 pages) on behalf of its current or former personnel Lori Bird. The result of this production shows how various Moog software engineering plan templates and checklists were incorporated into the formal Skyryse software engineering plans and checklists, including well after March 11, 2022.

17 48. This production shows that a Moog document, [REDACTED]
18 [REDACTED] became the foundation of the Skyryse
19 document [REDACTED] (BIRD_SR_00001465). Lori Bird
20 sends this to several Skyryse and Hummingbird email addresses on January 5,
21 2022 (BIRD_SR_00001464). This Skyryse document has nearly identical
22 structure and numerous identical word-for-word passages as the Moog document.
23 Below is a comparison showing just a few examples of copying from the Moog
24 document and the eventual refinement into the [REDACTED]
25 [REDACTED] (BIRD_SR_00024768). A true and correct copy of
26 BIRD_SR_00001464 designated by Moog under the Protective Order (Dkt. 89) as
27 “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” is attached hereto
28 as Exhibit “D-1.”

1 49. Moog Table of Contents Excerpt from BIRD0000182:
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14 50. Skyryse Table of Contents Excerpt from BIRD_SR_00001465:
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1 51. Moog Section 7.2.1 from BIRD0000182

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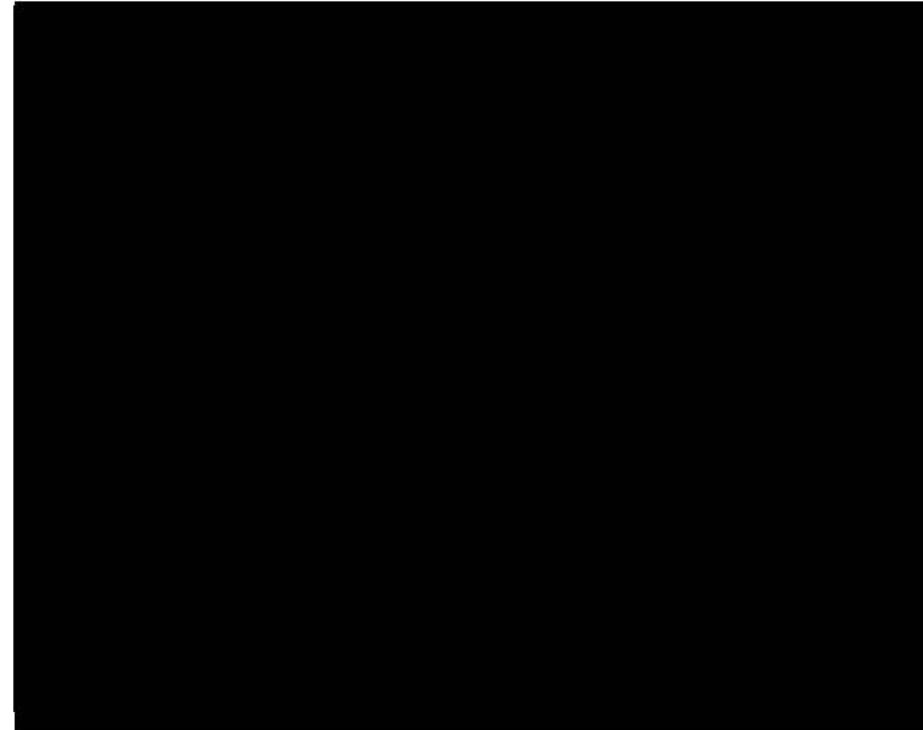
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15 52. Skyryse Section 6.2.1 from BIRD_SR_00001465

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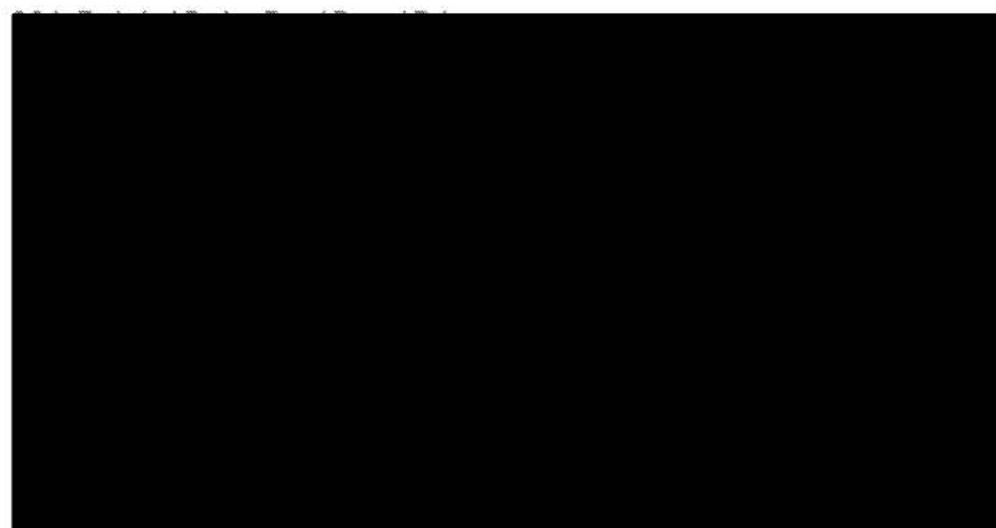
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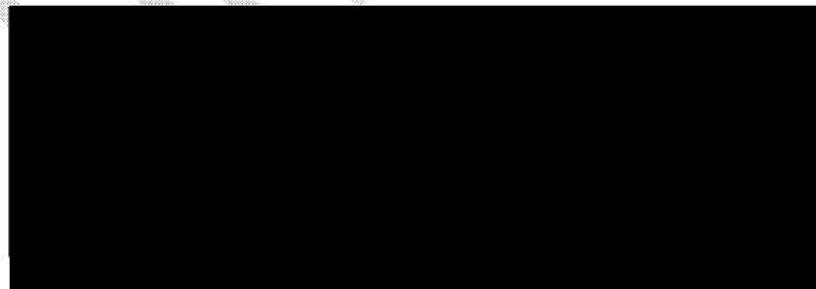
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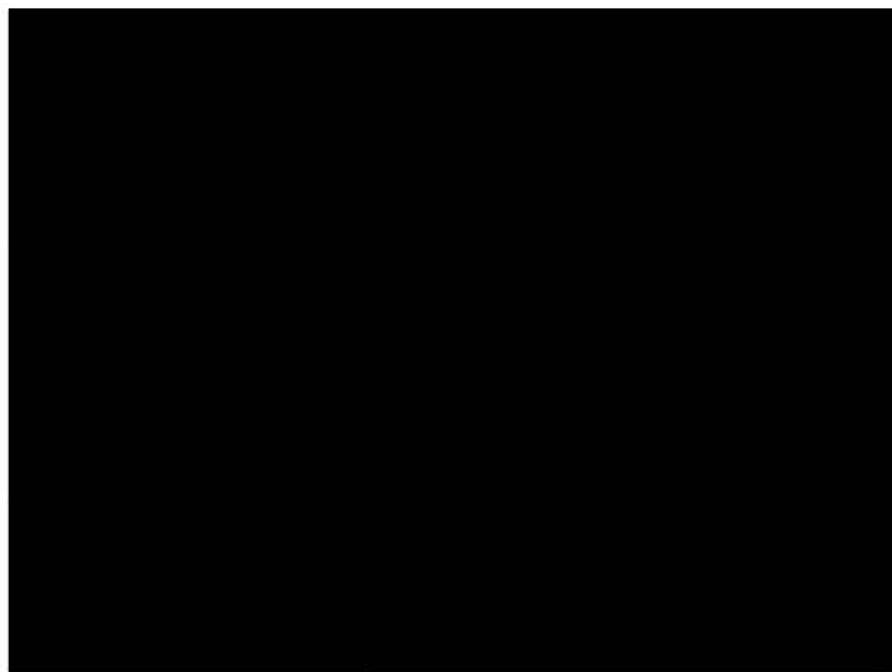
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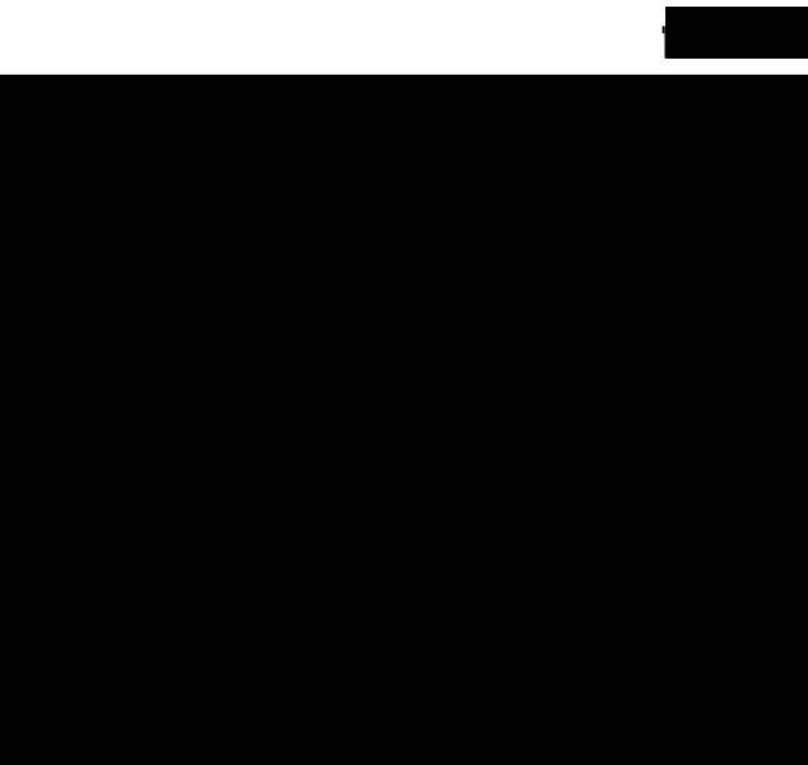
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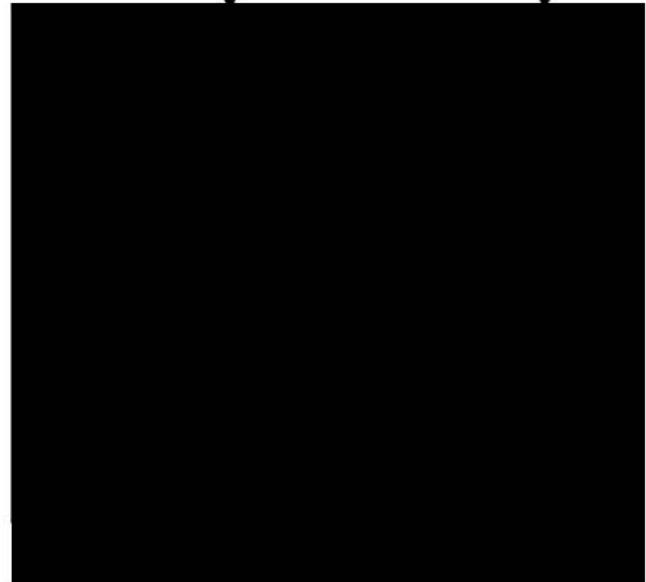
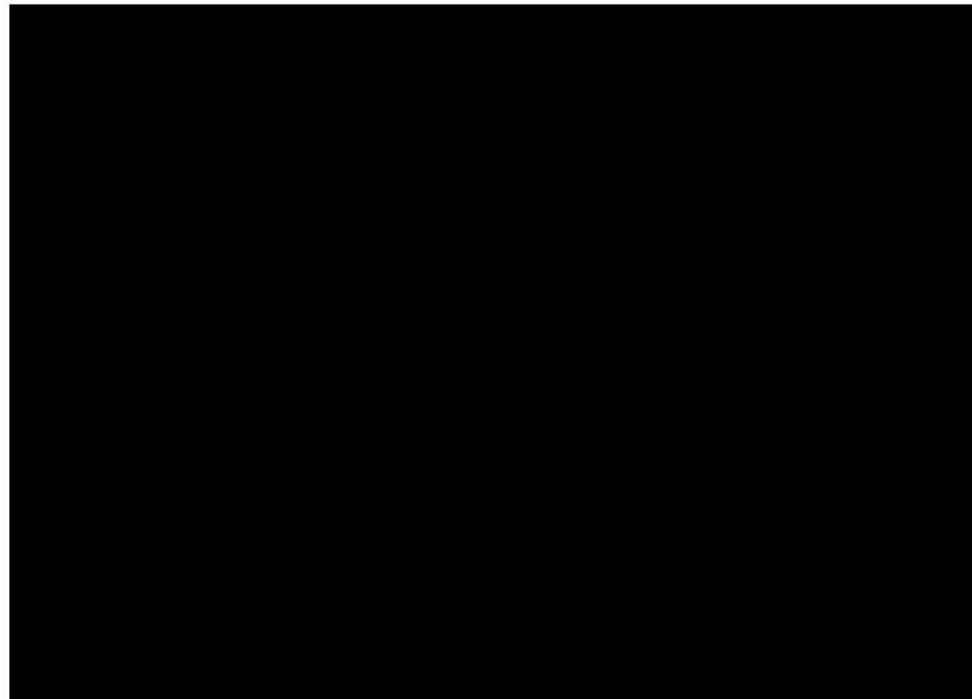
1 53. Moog Figure from BIRD0000182
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16 54. Skyryse figure from BIRD_SR_00001465
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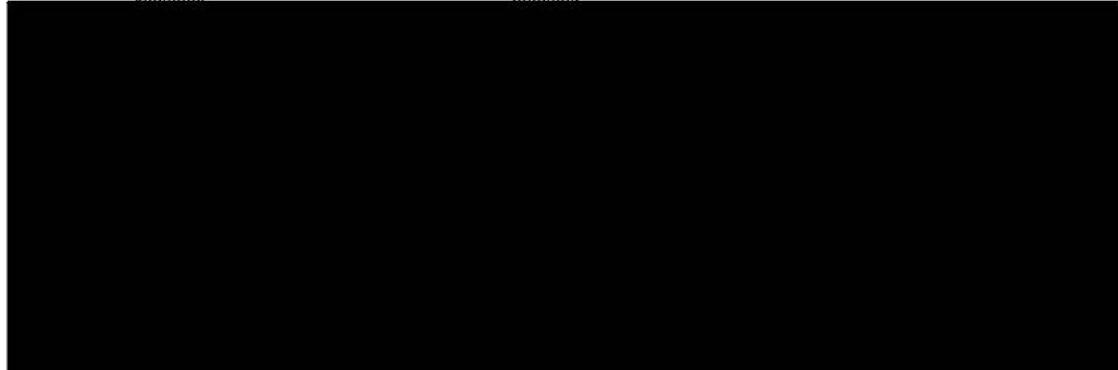
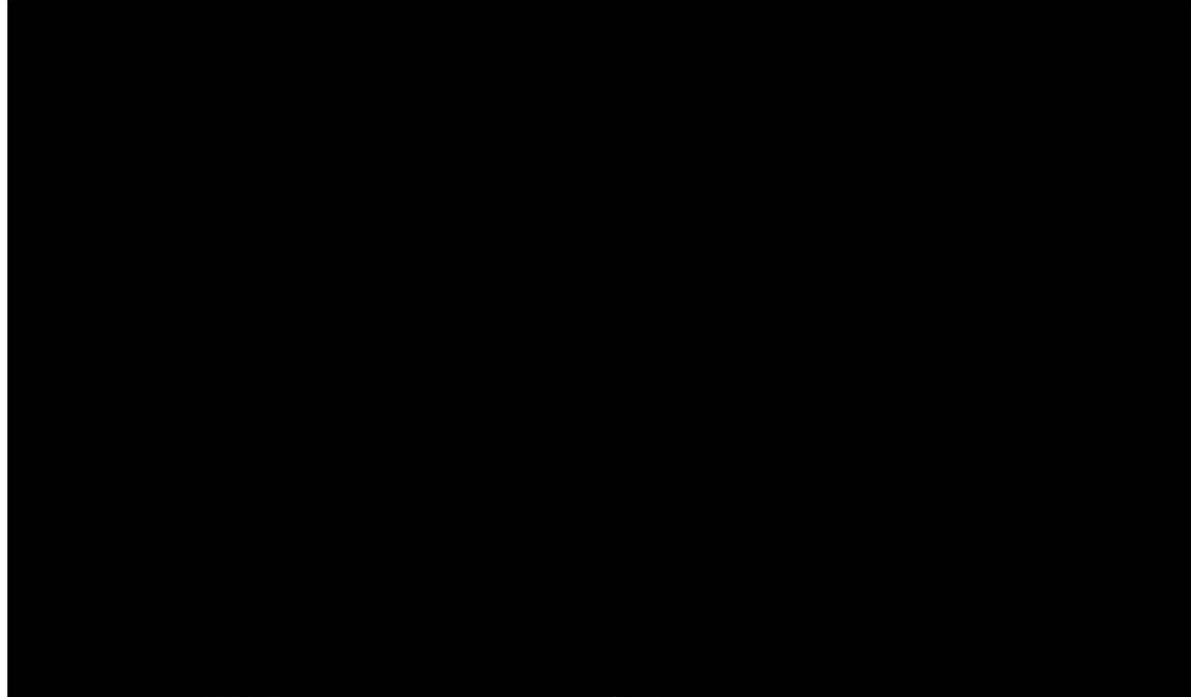


1 55. Moog Figure from BIRD0000182



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1 56. Skyryse Figure from BIRD_SR_00001465
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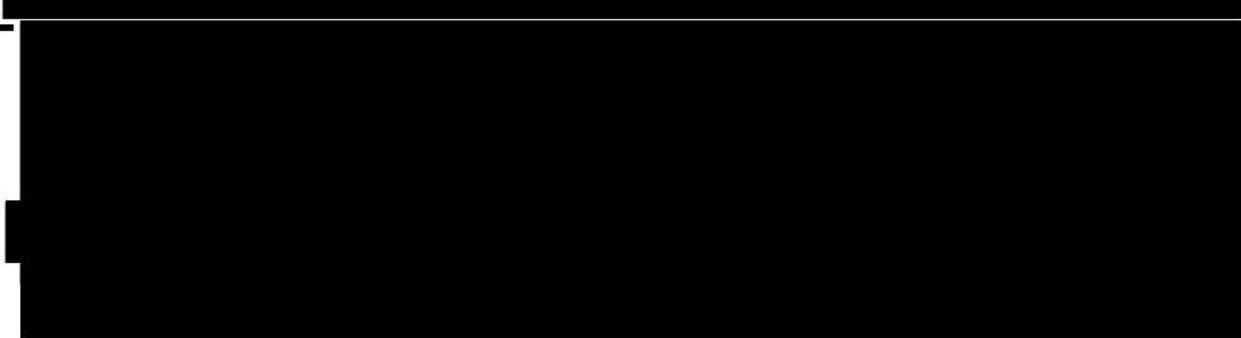
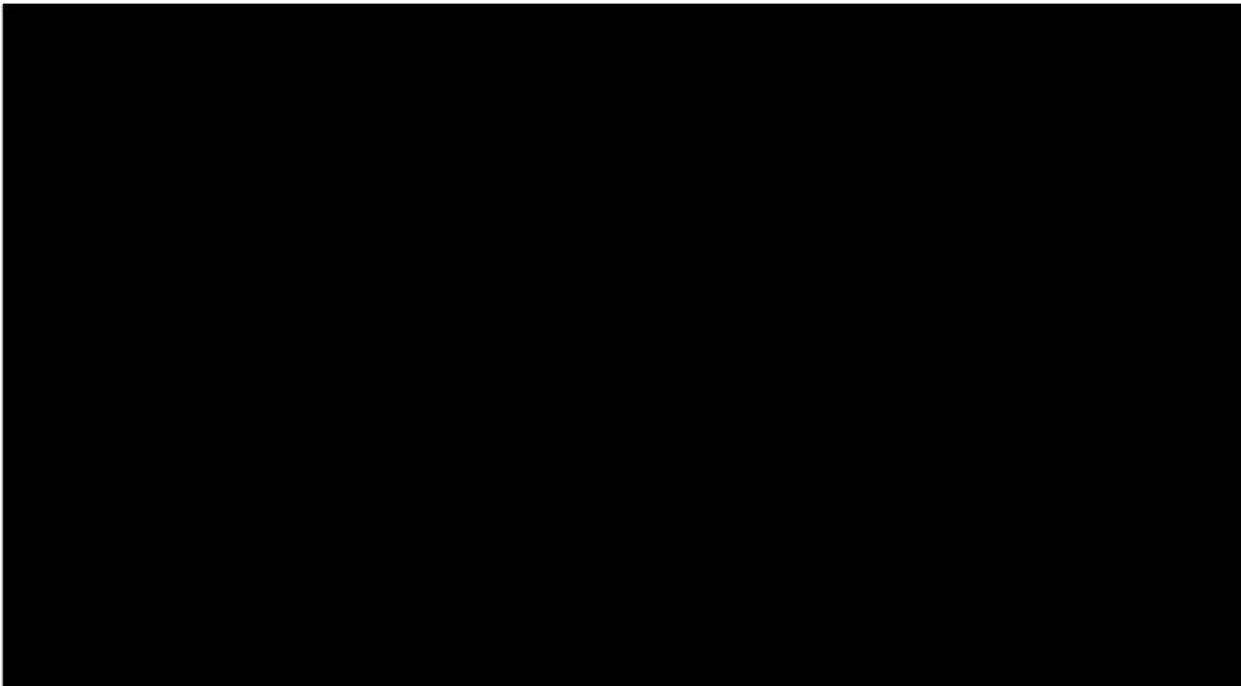
Production Number	Evidence of Moog Non-Public Information
BIRD_SR_000001465	Identical structure and numerous identical word-for-word passages as the Moog document (BIRD0000182).
BIRD_SR_000024768	Identical structure and numerous identical word-for-word passages as the Moog document (BIRD0000182).

57. True and correct copies of BIRD_SR_00001465, and BIRD_SR-00024768, designated by Skyryse under the Protective Order (Dkt. 89) as "HIGHLY CONFIDENTIAL—ATTORNEYS' EYES ONLY," are attached hereto as Exhibit "D-2".

58. [REDACTED] (BIRD_SR_00000262) dated 12/3/2021 is based on the Moog PSAC template (MOOG0030635). Due to the nature of this document, it needs to be heavily customized when it is applied to a particular project. However, usage of the Moog template is evident in the nearly identical document structures and numerous copied word-for-word passages. This document was continuously edited and revised by Lori Bird and various Skyryse personnel, and it sent to numerous Skyryse and Hummingbird personnel from December 2021 to June 2022. The latest version of the PSAC with a revision date 6/12/2022 (BIRD_SR_00020435) (showing use of Moog non-public information after March 11, 2022), which removes not applicable Moog references but still retains the Moog document structure and numerous word-for-word passages and sections, including as shown as follows.

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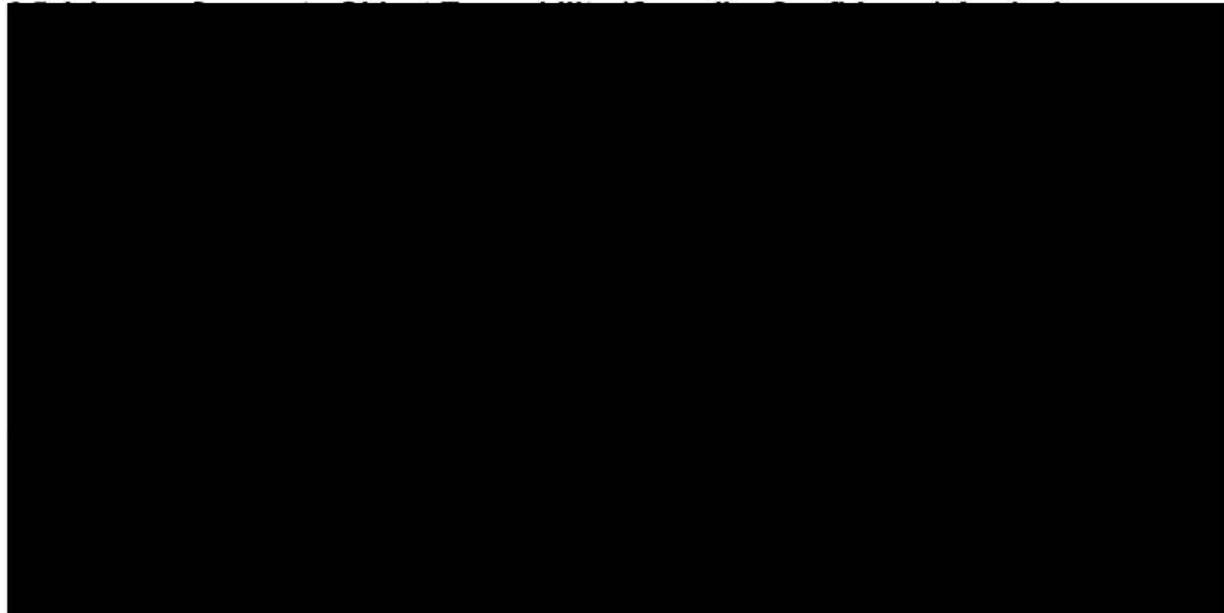
1 59. Moog PSAC Template Table of Contents Excerpt (MOOG0030635)
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1 60. Skyryse [REDACTED] Table of Contents Excerpt
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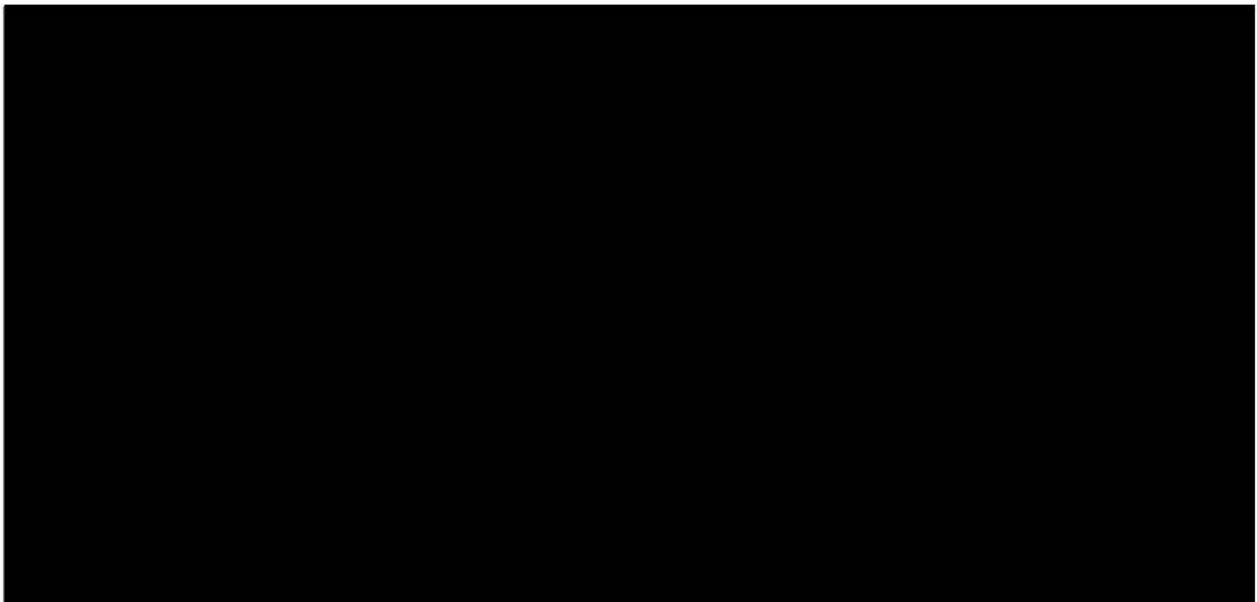
13 [REDACTED]
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1 61. Moog PSAC Template Table of Contents Excerpt (MOOG0030635)
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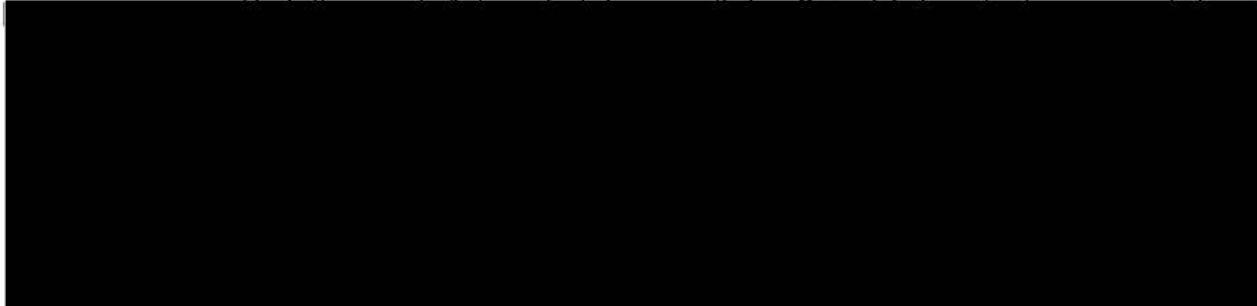


1 62. Skyryse [REDACTED] Table of Contents Excerpt
2 (BIRD_SR_00020435)

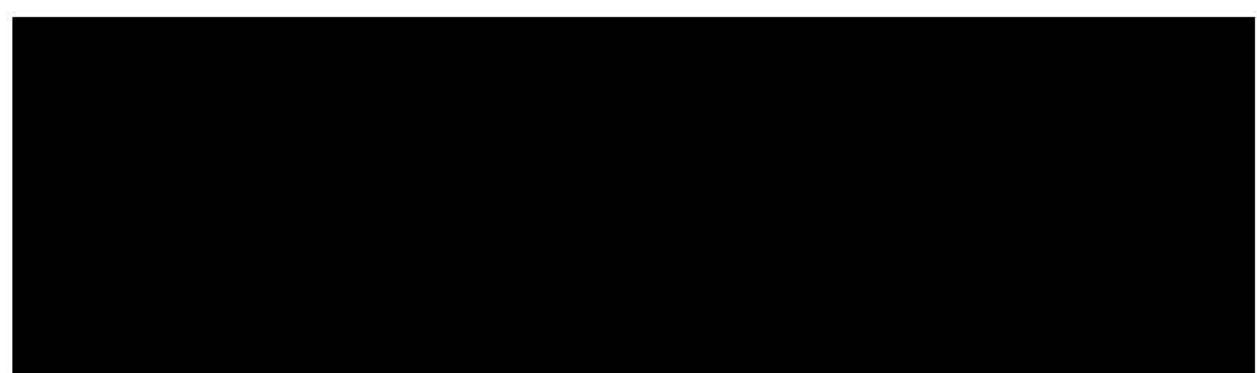
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Production Number	Evidence of Moog Non-Public Information
BIRD_SR_00000262	Nearly identical document structure and numerous word-for-word passages to Moog template document.

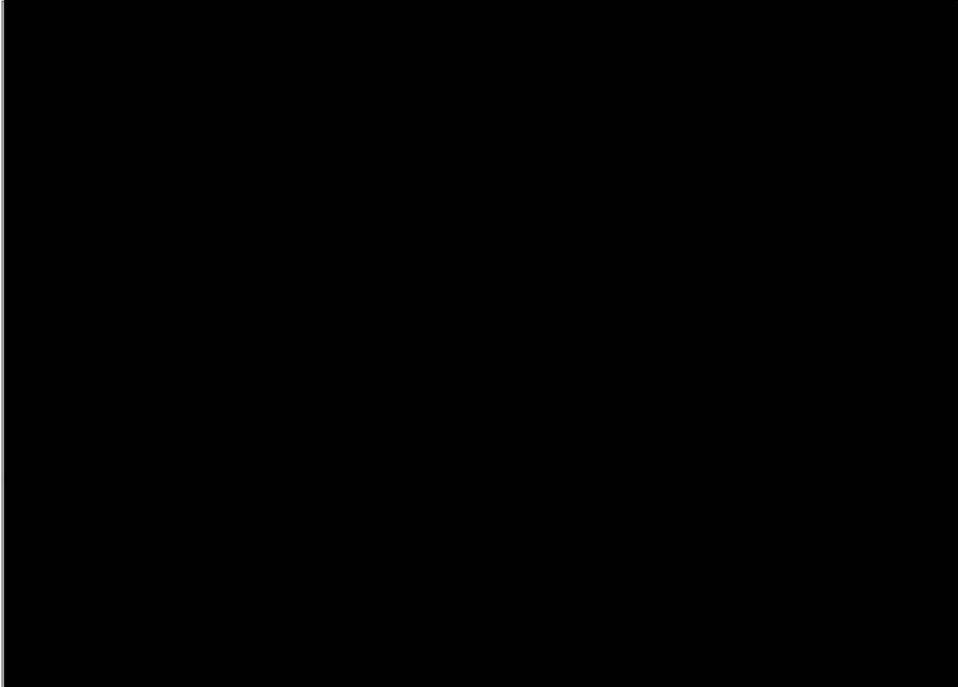
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1	BIRD_SR_00020435	Nearly identical document structure and numerous word-
2		for word passages to Moog template document

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4 63. True and correct copies of BIRD_SR_00000262, 20435, designated
5 by Skyryse under the Protective Order (Dkt. 89) as “HIGHLY
6 CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” are attached hereto as Exhibit
7 “D-3”.

8 64. [REDACTED] (BIRD_SR_00001795) was sent to Alin
9 Pilkington by Lori Bird (using her Skyryse e-mail account) on 1/10/2022. This
10 document is nearly identical to the Moog SQAP. This is evident in the nearly
11 identical document structures and numerous copied word-for-word passages. This
12 document is continuously edited and revised by Lori Bird and it sent to numerous
13 Skyryse and Hummingbird personnel from December 2021 to June 2022. A final
14 version of the SQAP with a revision date 7/11/2022 (BIRD_SR_00024065)
15 (showing use of Moog non-public information after March 11, 2022) removes not
16 applicable Moog references but still retains the Moog document structure and
17 numerous word-for-word passages and sections. The figures below show a few
18 examples of the document structure and word-for-word duplication.
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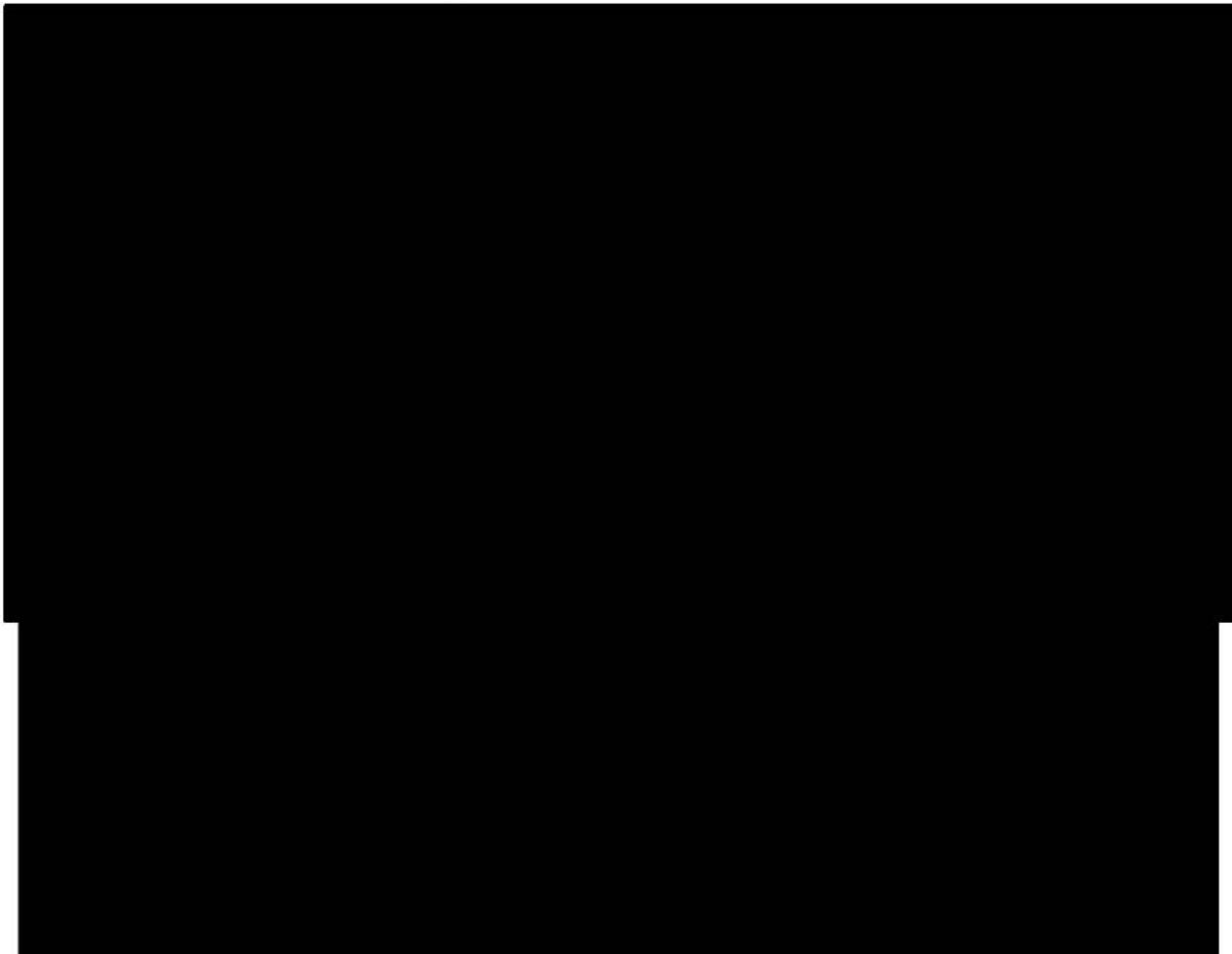
1 65. Moog SQAP Template Table of Contents (MOOG0030798)
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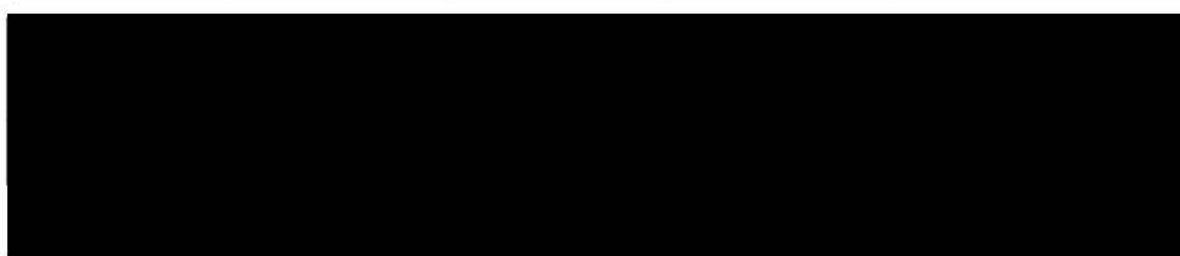
1 66. Skyryse [REDACTED] Table of Contents (BIRD_SR_00024065)
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1 67. Moog SQAP Template Section 4 (MOOG0030798)

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1 68. Skyryse [REDACTED] Section 6 (BIRD_SR_00024065)

2 **6 ACTIVITIES, TIMING, AND METHODS**

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25 69. These examples show that the Skyryse SQAP (BIRD_SR_00024065)
26 is based on the Moog SQAP template and contains Moog non-public information,
27 and that Skyryse was continuously editing these documents using Moog non-
28 public information several months after March 11, 2022.

Production Number	Evidence of Moog non-public Information
BIRD_SR_00001795	Nearly identical document structure and numerous word-for-word passages to Moog template document.
BIRD_SR_00024065	Nearly identical document structure and numerous word-for-word passages to Moog template document.

70. True and correct copies of BIRD_SR_00001795, 24065, designated
by Skyryse under the Protective Order (Dkt. 89) as “HIGHLY
9 CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” are attached hereto as Exhibit
10 “D-4”.

11 71. [REDACTED] (BIRD_SR_00001444) is nearly identical to
12 the Moog [REDACTED] (MOOG0030674). These documents contain nearly
13 identical document structures and numerous copied word-for-word passages. The
14 Skyryse document includes references to [REDACTED]
15 [REDACTED] This is a tool used by Moog for requirements management and
16 change control. Based on my personal inspection of Skyryse’s source code, it is not
17 in use nor has it ever been used or even discussed at Skyryse. This Skyryse
18 document is continuously edited and revised by Lori Bird and it sent to numerous
19 Skyryse and Hummingbird personnel from December 2021 to June 2022. A final
20 version of the SCMP with a revision date 7/11/2022 (BIRD_SR_00023903)
21 (showing use of Moog non-public information after March 11, 2022) removes not
22 applicable Moog references but still retains the Moog document structure and
23 numerous word-for-word passages and sections.

24 72. Moog SCMP Template Section 3.3 (MOOG0030674).

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Software Configuration Management Tools

3 The SCM tools are listed in Table 1. Sufficient resources for all tools will be obtained so
4 that the necessary personnel will have uninterrupted access to all the software tools
5 required at each phase of the program.
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18 73. Skyryse [REDACTED] Section 4.3 (BIRD_SR_00001444)

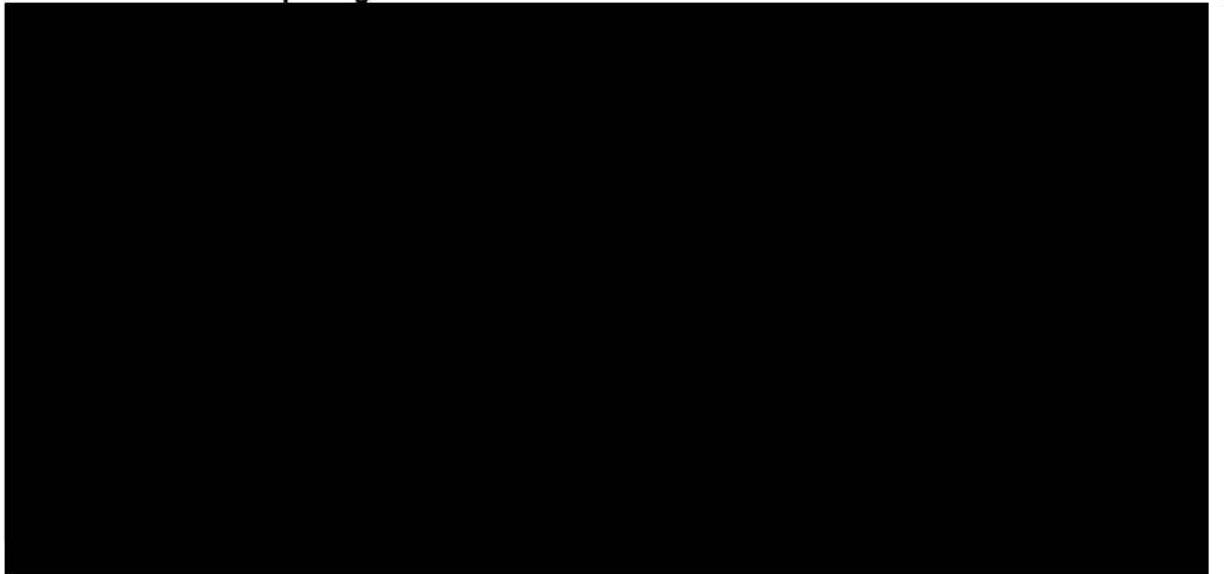
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1 74. Moog SCMP Template Table of Contents (MOOG0030674)

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1 75. Skyryse [REDACTED] Table of Contents (BIRD_SR_00023903)
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1 76. Moog SCMP Template Section 4 Excerpt (MOOG0030674)

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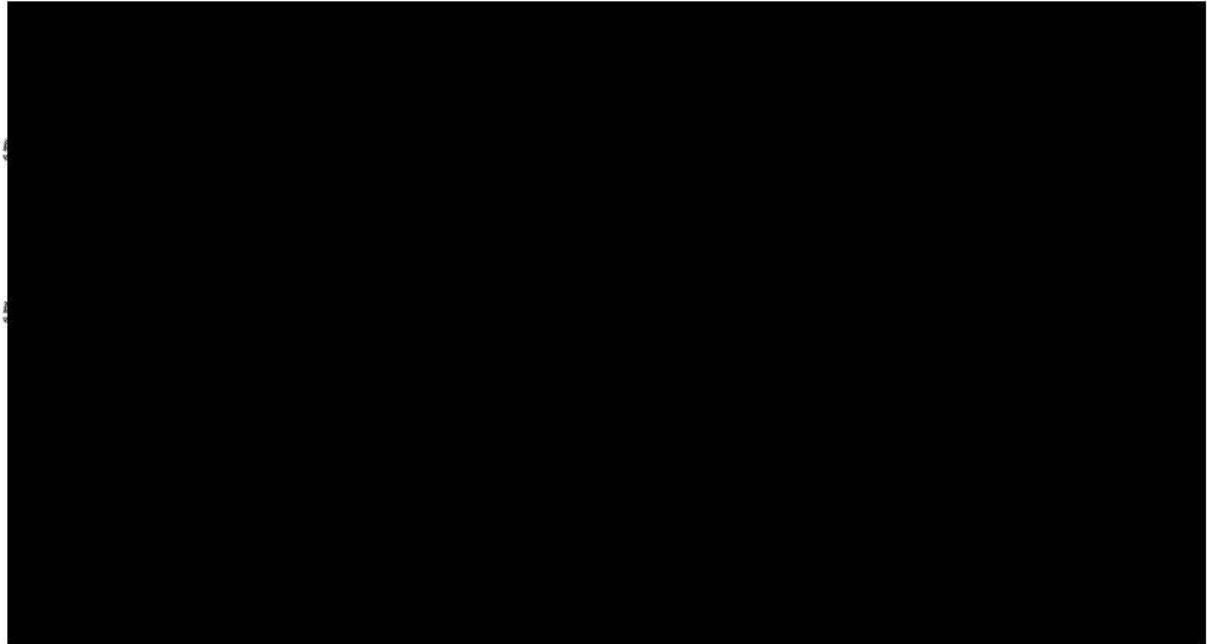
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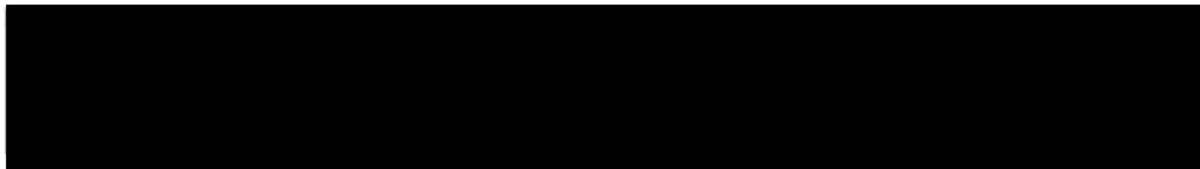
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1 77. Skyryse [REDACTED] Section 5 Excerpt (BIRD_SR_00023903)
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24 78. These examples show that the Skyryse SQAP (BIRD_SR_00024065)
25 is based heavily on the Moog SQAP template and contains use of Moog non-public
26 information, including after March 11, 2022.
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Production Number	Evidence of Moog Non-Public Information
BIRD_SR_00001444	Nearly identical document structure and numerous word-for-word passages to Moog template document; References to tools used at Moog and not used at Skyryse.
BIRD_SR_00023903	Nearly identical document structure and numerous word-for-word passages to Moog template document.

79. True and correct copies of BIRD_SR_00001444, 23903, designated by Skyryse under the Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” are attached hereto as Exhibit “D-5”.

80. SDP [REDACTED] (BIRD_SR_00001622) is derived from the Moog SDP template. Due to the nature of this document, it needs to be heavily customized when it is applied to a particular project. However, this document still retains the structure and numerous word-for-word passages of the Moog template. This document was continuously edited and revised by Lori Bird and various Skyryse personnel and it sent to numerous Skyryse and Hummingbird personnel from December 2021 to June 2022. A final version of the SDP with a revision date 7/11/2022 (BIRD_SR_00024624) (showing use of Moog non-public information after March 11, 2022) removes not applicable Moog references but still retains the Moog document structure and numerous word-for-word passages and sections, including as shown as follows.

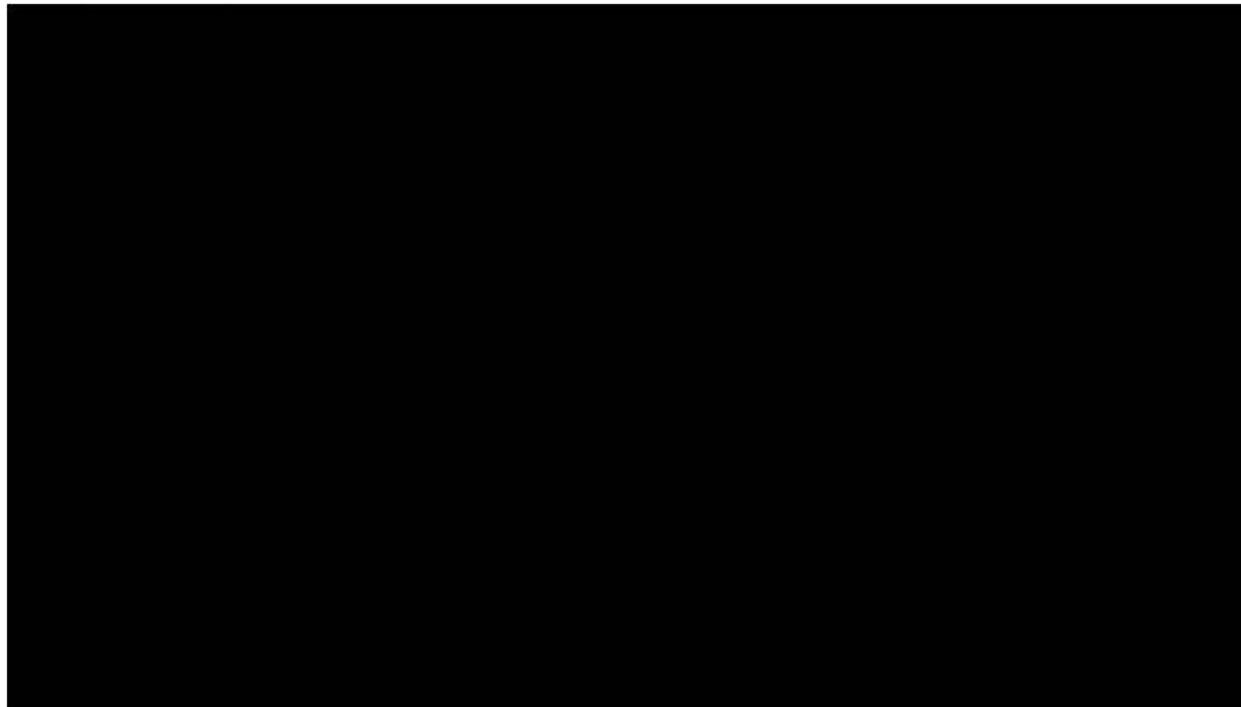
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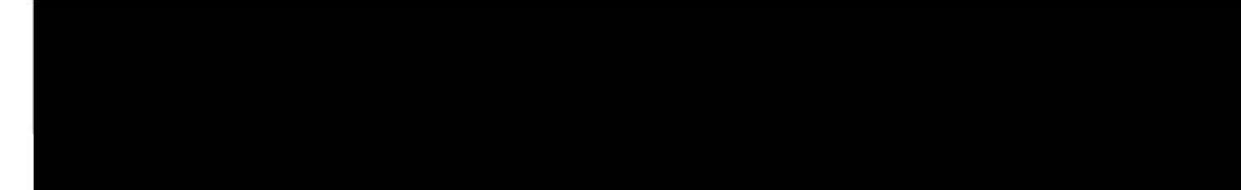
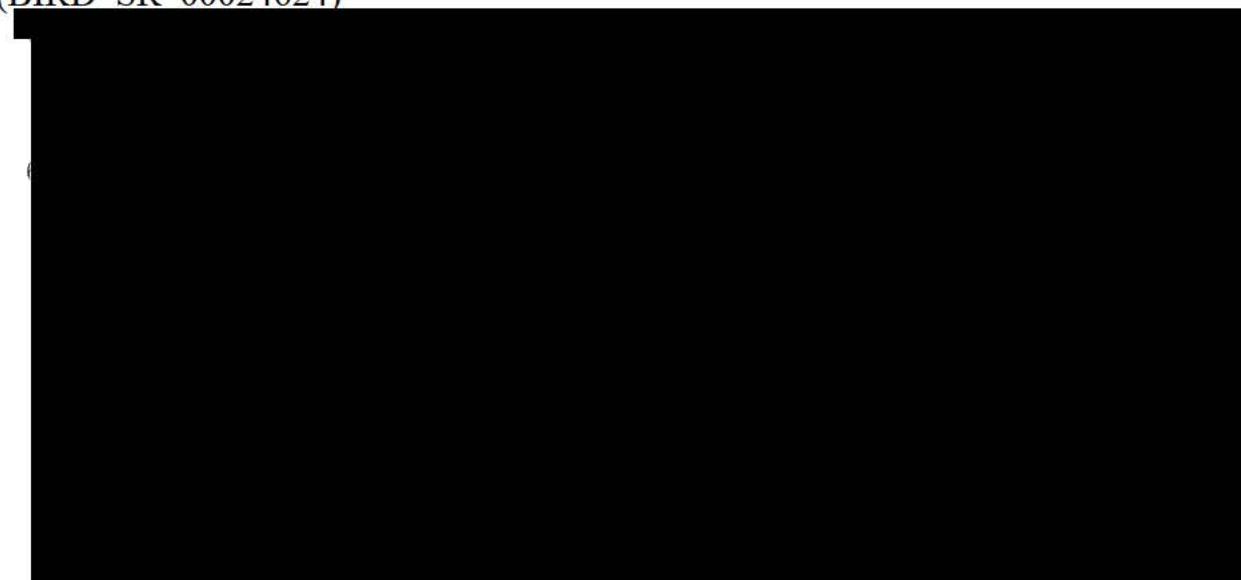
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1 81. Moog SDP Table of Contents Excerpt (MOOG0030694)
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14 82. Skyryse [REDACTED] Table of Contents Excerpt
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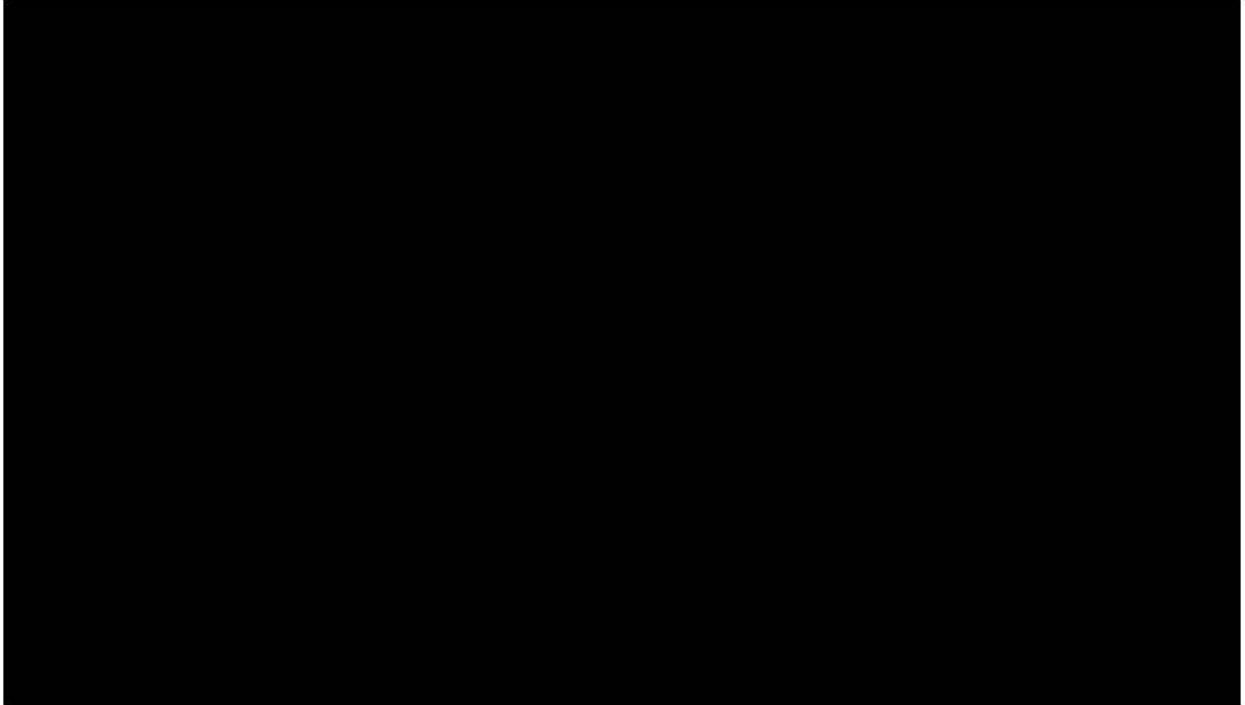


1 83. Moog SDP Template Tracing Figure (MOOG0030694)
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15 84. Skyryse [REDACTED] Tracing Figure (BIRD_SR_00024624)
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1 85. Moog SDP Template Excerpt (MOOG0030694)

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1 86. Skyryse [REDACTED] Excerpt (BIRD_SR_00024624)
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12 [REDACTED]
13 [REDACTED]
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Production Number	Evidence of Moog Non-Public Information
BIRD_SR_00001622	Nearly identical document structure and numerous word-for word passages to Moog template document.
BIRD_SR_00024624	Nearly identical document structure and numerous word-for word passages to Moog template document

25 87. True and correct copies of BIRD_SR_00001622, 24624, designated
26 by Skyryse under the Protective Order (Dkt. 89) as “HIGHLY
27 CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” are attached hereto as Exhibit
28 “D-6”.

1 **E. Evidence of Misappropriation and Use of Moog Data After March**
2 **11, 2022**

3 88. Even after entry of the March 11, 2022 Stipulated Temporary
4 Restraining Order in this case (Dkt. 25), Skyryse continued to use and incorporate
5 Moog data into their software process documents, software testing framework and
6 the SRTOS operating system for their flight control computers.

7 89. As described in the previous section, Skyryse based their software
8 plans on Moog templates. They continuously updated and revised these plans from
9 December 2021 through June 2022. On June 7, 2022, Lori Bird (using a Skyryse
10 e-mail account) sent Skyryse personnel Thusa Dinh, David Lee, and Glenn
11 Shintaku, and Designated Engineering Representative (DER) David Nguyen,
12 various software plan and checklist templates. (HYDE0000532). The thread shows
13 that Bird asked Nguyen about Skyryse's Stage of Involvement (SOI) 1 on June 23,
14 2022.

15 90. A true and correct copy of HYDE0000532, designated by Skyryse
16 under the Protective Order (Dkt. 89) as "HIGHLY CONFIDENTIAL—
17 ATTORNEYS' EYES ONLY," is attached hereto as Exhibit "E-1".

18 91. SOI 1 generally comprises a planning audit where the DER would
19 audit Skyryse's software planning documents (such as PSAC, SDP, SVP, SCMP,
20 SQAP, and standards). Three of the documents attached to this email [REDACTED]
21 [REDACTED] (HYDE0000509), [REDACTED] (HYDE0000466),
22 [REDACTED] (HYDE0000268) have been shown in
23 detail above to be derived from Moog templates.

Production Number	Additional Evidence of Use after 3/11/2022
HYDE0000509	Document derived from Moog data attached to email dated 6/8/2023
HYDE0000466	Document derived from Moog data attached to email dated 6/8/2023

1	HYDE0000268	Document derived from Moog data attached to email
2		dated 6/8/2023

4 92. True and correct copies of HYDE0000509, 466, 268, designated by
5 Skyryse under the Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—
6 ATTORNEYS’ EYES ONLY,” are attached hereto as Exhibit “E-2”.

7 93. Evidence shows that on or about 7/11/2022 Skyryse management
8 personnel approved these plans. With this approval, these plans become the formal
9 guidance for the methods and procedures the Skyryse software team would use to
10 develop software and cannot be changed without following the formal change
11 procedure detailed in the SCMP. This formally incorporates many portions of the
12 Moog software engineering process into the Skyryse software process, thus
13 furthering the use and reliance on Moog non-public data continuously until the
14 Skyryse software process is changed to eliminate the incorporated Moog processes
15 completely. As previously described, these planning documents, which include
16 Moog non-public information are [REDACTED]
17 [REDACTED] (BIRD_SR_00023903), [REDACTED]
18 [REDACTED] (BIRD_SR_00024624), [REDACTED]
19 [REDACTED] (BIRD_SR_00024065)

Production Number	Evidence of Use after 3/11/2022
BIRD_SR_00023903	Title page block shows Rev A Release Data 11-Jul-2022.
BIRD_SR_00024624	Title page block shows Rev A Release Data 11-Jul-2022.
BIRD_SR_00024065	Title page block shows Rev B Release Data 11-Jul-2022.

25 94. True and correct copies of BIRD_SR_00023903, 24624, 24065,
26 designated by Skyryse under the Protective Order (Dkt. 89) as “HIGHLY
27

28

1 CONFIDENTIAL—ATTORNEYS' EYES ONLY," are attached hereto as Exhibit
2 "E-3".

3 95. Based on data provided for discovery at third party discovery vendor
4 iDiscovery Solutions ("iDS"), Skyryse continues to use the Skyryse Desk Top
5 Environment (SDTE) test framework for its software testing activities. The SDTE
6 framework is a nearly identical copy of the Moog Desktop Environment (MDTE)
7 test framework that is employed at Moog. My analysis of the SDTE source code
8 files shows that they are nearly identical, with the majority of changes involving
9 changing the text "MDTE" to "SDTE". In fact, the [REDACTED] file still has [REDACTED]
10 [REDACTED] in the header and there is a Readme.txt file in the [REDACTED] directory
11 which still references MDTE. The table below highlights each source file in
12 MDTE and SDTE and the differences noted by my investigation.

	<u>Moog MDTE Files</u>	<u>Skyryse SDTE Files</u>	<u>Differences (If Any)</u>
14	File Path: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
15			
16			
17			
18			
19	MOOG0030586	SKY_IDS_0001578	Changing "MDTE" to "SDTE"
20			
21			
22	MOOG0030585	SKY_IDS_0001583	Changing "MDTE" to "SDTE"; Adjustments to file paths for visual studio location
23			
24			
25			
26			
27	MOOG0030584	SKY_IDS_0001587	Changing "MDTE" to "SDTE"
28			

1	[REDACTED]	[REDACTED]	Changing “MDTE” to “SDTE”
2	MOOG0030583	SKY_IDS_0001603	
3			
4	[REDACTED] MOOG0030582	[REDACTED] SKY_IDS_0001607	Changing “MDTE” to “SDTE”; Version 0.82 vs. 0.80e
5			
6			
7	[REDACTED] MOOG0030581	[REDACTED] SKY_IDS_0001646	Changing “MDTE” to “SDTE”
8			
9	[REDACTED] MOOG0030580	[REDACTED] SKY_IDS_0001647	Changing “MDTE” to “SDTE”
10			
11	[REDACTED] MOOG0030579	[REDACTED] SKY_IDS_0001652	Files are identical
12			
13	File Path: [REDACTED]	File Path: [REDACTED]	
14	[REDACTED] TE_US/MDTEHos	[REDACTED]	
15			
16	[REDACTED] MOOG0030592	[REDACTED] SKY_IDS_0001654	Changing “MDTE” to “SDTE” and git hash values instead of [REDACTED]
17			
18			
19			
20			
21			
22	[REDACTED] MOOG0030591	[REDACTED] SKY_IDS_0001665	Changing “MDTE” to “SDTE”
23			
24	[REDACTED] MOOG0030590	[REDACTED] SKY_IDS_0001668	Additional comments / Some additional code to for handling
25			
26			
27			
28			

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2		non-ASCII charts
3	MOOG0030589	SKY_IDS_0001727
4		Files are identical
5	MOOG0030588	SKY_IDS_0001731
6		Changing “MDTE” to “SDTE”
7	MOOG0030587	SKY_IDS_0001909
8	File Path: [REDACTED] [REDACTED] [REDACTED] [REDACTED]	File Path: [REDACTED] [REDACTED]
9		
10		
11	MOOG0030602	SKY_IDS_0001912
12		Changing “MDTE” to “SDTE”
13	MOOG0030601	SKY_IDS_0001949
14		Changing “MDTE” to “SDTE”
15	MOOG0030600	SKY_IDS_0001956
16		Changing “MDTE” to “SDTE”
17	MOOG0030599	SKY_IDS_0002002
18		Changing “MDTE” to “SDTE”
19	MOOG0030597	SKY_IDS_0002005
20		Changing “MDTE” to “SDTE” – Contains reference to MDTE at Line 3
21		
22		
23		
24	MOOG0030598	SKY_IDS_0002009
25		Changing “MDTE” to “SDTE”
26		Contains [REDACTED] [REDACTED] in header.
27		
28		

1	[REDACTED]	[REDACTED]	Changing “MDTE” to “SDTE”
2	MOOG0030596	SKY_IDS_0002006	
3	[REDACTED]	[REDACTED]	Changing “MDTE” to “SDTE”
4	MOOG0030595	SKY_IDS_0002013	
5	[REDACTED]	[REDACTED]	Changing “MDTE” to “SDTE”
6	MOOG0030594	SKY_IDS_0002016	
7	[REDACTED]	[REDACTED]	Changing “MDTE” to “SDTE”
8	MOOG0030593	SKY_IDS_0002069	
9			

10 96. True and correct copies of SKY_IDS_0001578, 1583, 1587, 1603,
11 1607, 1646, 1647, 1652, 1654, 1665, 1668, 1727, 1731, 1909, 1912, 1949, 1956,
12 2002, 2005, 2006, 2009, 2013, 2016, 2069, designated by Skyryse under the
13 Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—SOURCE CODE,”
14 are attached hereto as Exhibit “E-4”. True and correct copies of MOOG0030579-
15 602, designated by Moog under the Protective Order (Dkt. 89) as “HIGHLY
16 CONFIDENTIAL—SOURCE CODE,” are attached hereto as Exhibit “E-5”.

17 97. In December 2022, I conducted an on-site inspection of Skyryse’s
18 source code and Git repository. However, these source code and Git repositories
19 were only made available as of 4/15/2022. Based on my inspection, evidence
20 suggests that Skyryse is using the SDTE for software testing as of 4/15/2022. In
21 addition, the following file paths from iDS Device No. 00021 contain dozens of
22 SDTE files that were used and/or modified after March 11, 2022, including into
23 April 2022:
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 98. The architecture, structure, theory of operation, and design
5 documentation for Skyryse's sRTOS program is essentially identical to Moog's
6 eRTOS program. Alin Pilkington spearheaded the development of eRTOS at Moog
7 before joining Skyryse and based on the discovery evidence was using an identical
8 structure and design to build sRTOS. There is substantial evidence that Skyryse
9 was still developing and using sRTOS after the entry of the March 11, 2022
10 Stipulated TRO. For example, the following file paths from iDS Device No. 00021
11 contain dozens of sRTOS files which were used and/or modified after March 11,
12 2022, including into April 2022:

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 99. These are just representative samples. Further, the files in these file
21 paths show that numerous Skyryse and Hummingbird personnel (including but not
22 limited to Mario Brenes, Eric Chung, Phil Gillaspy, Minnie Yoo, and Joshua Choi)
23 possessed and worked on these files.

24 **F. Evidence of Use of Moog Non-Public Information in Skyryse
25 Google Drive**

26 100. Both Alin Pilkington and Misook Kim were provided access to a
27 Skyryse Google Drive. (SKY_IDS_0002254, 2255, 2256, 2677). On January 7,
28 2022, Pilkington sent a Google Drive invite to 16 people, including 9 Skyryse

1 employees and 6 Hummingbird employees. (SKY_IDS_0007274). The invite was
2 for the purpose of sharing a Google Drive folder called [REDACTED]
[REDACTED]

3 [REDACTED] In the invite, Pilkington states: [REDACTED]
[REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 101. The Skyryse [REDACTED] file is an initial draft of the software
8 design document for the Skyryse Flight OS. This .chm file is automatically
9 generated using python scripts that are property of Moog. These scripts were sent
10 as an attachment by former Skyryse personnel Alin Pilkington from his
11 alinp@mac.com account to his alin.pilkington@skyryse.com email account on
12 2/20/2022 (SKY_00000109). The python scripts along with software application
13 called Doxygen scan the software source code directories and generate HTML
14 documentation that is used to produce a design document that is required for FAA
15 software certification. These scripts are virtually identical to corresponding Moog
16 python scripts, and even reference certain Moog programs by name, as shown
17 further below. True and correct copies of SKY_00000109, designated by Skyryse
18 under the Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—
19 ATTORNEYS’ EYES ONLY,” are attached hereto as Exhibit “F-1”.
20

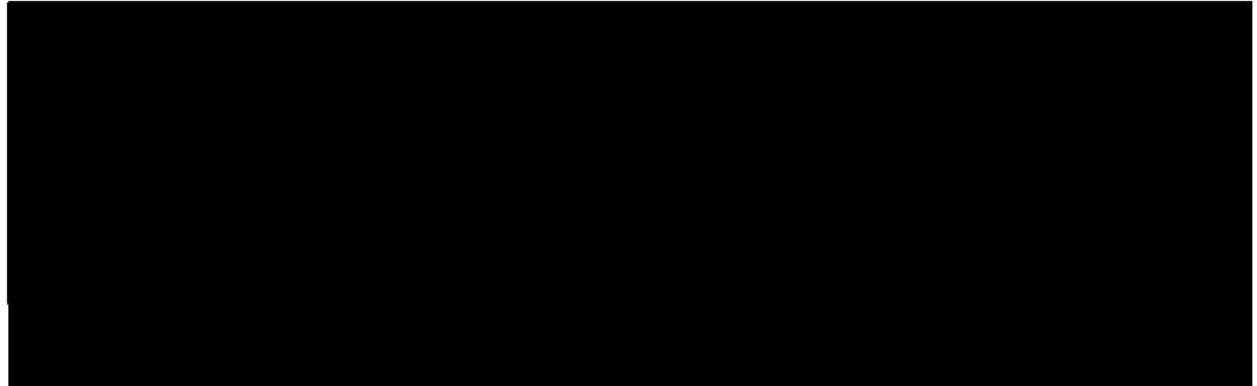
Production Number	Evidence of Moog Non-Public Information
[REDACTED]	[REDACTED]
SKY_00000122	Visually Identical to Moog file (MOOG0030772)
[REDACTED]	Filename contains reference to Moog Program [REDACTED].
SKY_00000128	Visually Identical to Moog file (MOOG0030774)
SKY_00000134	[REDACTED]

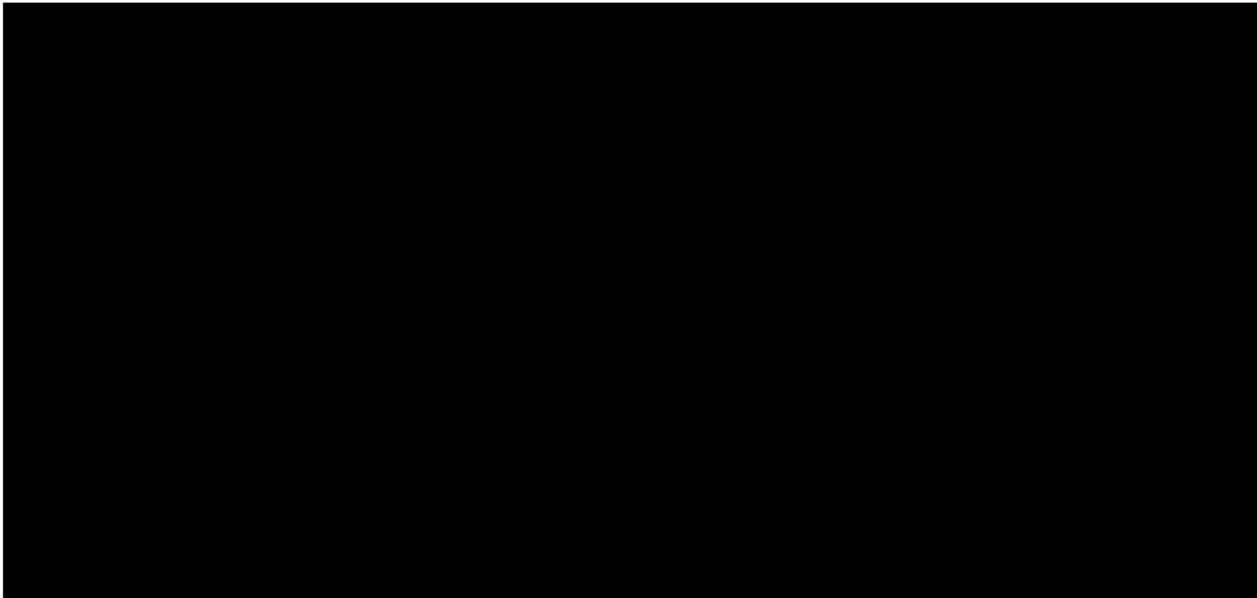
1	Filename contains reference to Moog Program [REDACTED].
2	Visually Identical to Moog file (MOOG0030775)
3	[REDACTED]
4	Filename contains reference to Moog Program [REDACTED]
5	SKY_00000140 Visually Identical to Moog file (MOOG0030776)
6	[REDACTED]
7	Filename contains reference to Moog Program
8	[REDACTED].
9	SKY_00000145 Visually Identical to Moog file (MOOG0030777)
10	[REDACTED]
11	SKY_00000148 Visually Identical to Moog file (MOOG0030778)
12	[REDACTED]
13	Filename contains reference to Moog Program [REDACTED].
14	SKY_00000179 Visually Identical to Moog file (MOOG0030779)
15	[REDACTED]
16	Filename contains reference to Moog Program [REDACTED]
17	SKY_00000211 Visually Identical to Moog file (MOOG0030773)
18	[REDACTED]
19	Filename contains reference to Moog Program
20	[REDACTED].
21	SKY_00000219 Visually Identical to Moog file (MOOG0030780)
22	[REDACTED]
23	SKY_00000250 Visually Identical to Moog file (MOOG0030781)
24	

25 102. True and correct copies of SKY_00000122, 128, 134, 140, 145, 148,
26 179, 211, 219, 250, designated by Skyryse under the Protective Order (Dkt. 89) as
27 “HIGHLY CONFIDENTIAL—SOURCE CODE,” are attached hereto as Exhibit
28 “F-2”. True and correct copies of MOOG0030772-781, designated by Moog under

1 the Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—SOURCE
2 CODE,” are attached hereto as Exhibit “F-3”.

3 103. My analysis of SRTOS html files which are eventually compiled to
4 the .chm file (chm file is a compress html file) shows that it contains numerous
5 identical or slightly modified figures (i.e.: SRTOS replaces eRTOS), identical
6 document structure and number word-for-word passages to Moog eRTOS.chm
7 files. This preliminary design document along with source code provided during
8 discovery suggests that the Skyryse SRTOS operating system is copied directly
9 from the Moog eRTOS operating system.

10 104. eRTOS Design Document Excerpt (MOOG0030814)
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12 105. SRTOS Design Document Excerpt (SKY_IDS_0000567)
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106. eRTOS Design Document Excerpt (MOOG0030814)

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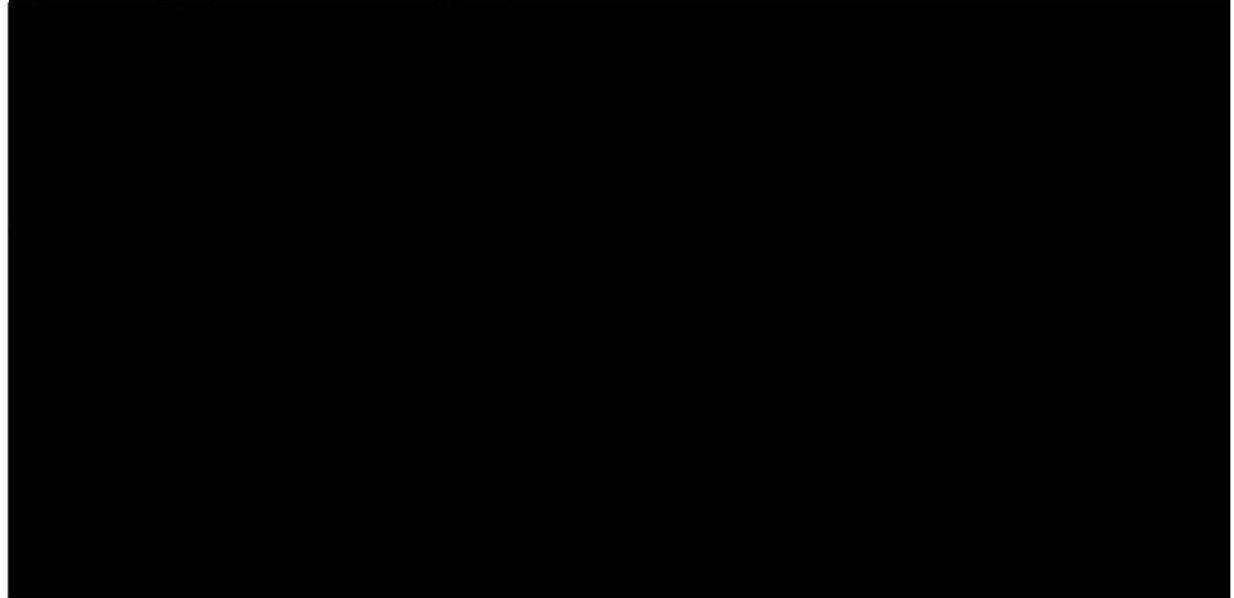
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1 107. SRTOS Design Document Excerpt (SKY_IDS_0000536)

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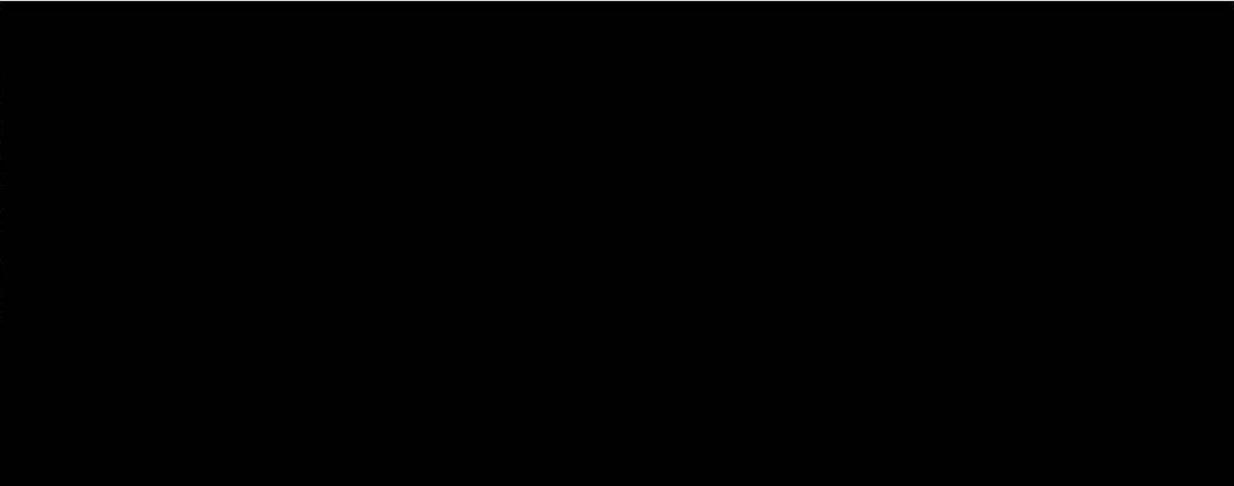


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16 108. One of the missing figures from excerpt above (SKY_IDS_0001447)

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26 109. True and correct copies of SKY_IDS_0000536, 567, 1447, designated
27 by Skyryse under the Protective Order (Dkt. 89) as "HIGHLY
28 CONFIDENTIAL—ATTORNEYS' EYES ONLY," are attached hereto as Exhibit

1 “F-4”. True and correct copies of MOOG0030814, designated by Moog under the
2 Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’
3 EYES ONLY,” are attached hereto as Exhibit “F-5”.

4 **G. Limited Access to Skyryse Polarion and Git Repositories**

5 110. I was granted limited access to the Skyryse source code from a
6 snapshot of the Skyryse Git repository in December 2022 during an on-site
7 inspection. This snapshot was of the Skyryse Git repository taken on 4/15/2022,
8 and no Skyryse source code after 4/15/22 was made available for my review.
9 Apart from this inspection, I discovered relevant evidence at iDS image for Device
10 No. S0019, including email conversations in September 2022, from Skyryse
11 personnel Mario Brenes from his Skyryse email account with Hummingbird and
12 Skyryse personnel (HB0000100). Therein, Skyryse personnel David Lee states
13 [REDACTED] This statement and attached files
14 board support files (HB0000094, 87, 77, 73, 56, 51, 28, 22, 9, 5) (BSP) indicate
15 that Skyryse is continuing development of their sRTOS based software. The BSP
16 is the low level driver layer of an operating system. Access to a more recent
17 iteration of the Git repository source code is required to determine to what extent
18 SRTOS development has continued. This access will show additional if there has
19 been further use and reliance on Moog non-public information continuing past
20 April 15, 2022. For example, a Git repository snapshot from December 31, 2022
21 would be expected to include evidence of changes made in September of 2022.

22 111. A true and correct copy of HB0000100, designated by Moog under
23 the Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—ATTORNEYS’
24 EYES ONLY,” is attached hereto as Exhibit “G-1”.

25 112. True and correct copies of HB0000094, 87, 77, 73, 56, 51, 28, 22, 9,
26 5, designated by Moog under the Protective Order (Dkt. 89) as “HIGHLY
27 CONFIDENTIAL—ATTORNEYS’ EYES ONLY,” are attached hereto as Exhibit
28 “G-2”.

1 113. Moog investigators have never had any access to the Skyryse Polarion
2 repository. Per the Skyryse SCMP, this is the repository where software
3 documents are stored. To the extent Skyryse's SOI 1 occurred on or after June 23,
4 2022, as indicated in BIRD_SR_00024065, then the Skyryse software plans are
5 now finalized and would be baselined in Skyryse's Polarion system. As referenced
6 above, the SOI 1 shows strong evidence of being derived from Moog non-public
7 information.

8 114. Excerpt from BIRD SR 00024065 showing revision due to SOI 1
9 [REDACTED]

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16 115. A true and correct copy of BIRD_SR_00024065, designated by
17 Skyryse under the Protective Order (Dkt. 89) as "HIGHLY CONFIDENTIAL—
18 ATTORNEYS' EYES ONLY," is attached hereto as Exhibit "G-3".

19
20 116. Access to this repository is required to determine if Skyryse has
21 continued to use and rely on Moog non-public information, including Moog
22 Software Engineering Process documents.

23 **H. Misook Kim's Mac Laptop**

24 117. Moog's investigation has revealed that Misook Kim used a Mac
25 computer while at Skyryse. It is unclear whether this Mac computer is personal or
26 Skyryse-issued, but it has not been produced to iDS for investigation. On January
27 9, 2022, Kim (using misook.kim@skyryse.com) sent an e-mail to Pilkington (using
28 alin.pilkington@skyryse.com), titled [REDACTED] (SKY_IDS_0002189). In the e-

1 mail, Kim advises Pilkington, in relevant part: [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 (SKY_IDS_0002195). The e-mail contains a zip file with an Excel spreadsheet
6 titled [REDACTED] (SKY_IDS_0002190). Kim expressly states that she
7 attempting to run SRTE, which later becomes SDTE, with the excel test procedure
8 file on Parallels. Further, the excel attachment ([REDACTED]) is a derivative of
9 an excel spreadsheet created by Eric Chung in June 2015 while working at Moog
10 ([REDACTED]). This Moog spreadsheet is referred to as a [REDACTED]
11 [REDACTED] and is the driver file for the MDTE / SDTE software. This Mac
12 computer nor the Parallels virtual file system on the computer have been made
13 available for discovery. Access to this data is required to determine if Skyryse has
14 continued to use and rely on Moog non-public information

15 118. True and correct copies of SKY_IDS_0002195, 2190, designated by
16 Skyryse under the Protective Order (Dkt. 89) as “HIGHLY CONFIDENTIAL—
17 ATTORNEYS’ EYES ONLY,” are attached hereto as Exhibit “H-1”.

18

19 I declare that the foregoing is true and correct under penalty of perjury under
20 the laws of the United States of America.

21 Executed on this 16th day of March, 2023.

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/s/ *Kevin Crozier*

Kevin Crozier

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